The City Council of the City of Raleigh met in a regular scheduled meeting on Tuesday, October 16, 1984, at 1:00 p.m. in the City Council Chamber of the Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend Steve Gerhard, Holy Trinity Lutheran Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

VOLUNTEER OF THE MONTH - MARY M. GARCIA - HONORED

Mayor Upchurch explained the Volunteer of the Month Award and presented a plaque to Mary M. Garcia as the Volunteer of the Month of October. He explained Ms. Garcia had volunteered over 565 hours in 1983 with the Rex Hospital Guild.

CERTIFICATES OF APPOINTMENT - MADE

Mayor Upchurch explained the Certificate of Appointment presentations and presented the following certificates: Appearance Commission - Kim Parker; Arts Commission - G. Peyton Maynard; Downtown Housing Improvement Corporation - Lulu Robinson; Greenway Commission - A. Settle Dockery, III and Sheila Goodman; Historic Properties Commission - Mrs. Ken Nye and Mrs. Frances Whitley; Transit Authority - C. J. Barber.

RALEIGH BANNER - PRESENTATION

Mayor Upchurch indicated recently he was honored to receive a banner which was a gift to the City of Raleigh from Raleigh's 400th Anniversary Committee. He indicated this flag was first displayed in Manteo and he carried it in a parade on July 13, 1984, where it was reviewed by Princess Ann and Governor James B. Hunt. Mayor Upchurch, assisted by Councilman Keller, showed the flag explaining the design, colors and what is meant by the various symbols. Mayor Upchurch indicated the flag will be displayed in the Mayor's Office for the time being and possibly a permanent display would be set up at a later date.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items all considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda will be a roll call vote. Mayor Upchurch requested that the Comprehensive Housing Study item be withdrawn. Ms. Cates requested that the budget amendment relating to the Garris Building be withdrawn. Ms. Block requested that the Community Development Contract for Legal Services, transfer in the Transportation Department relating to purchase of a computer and the budget amendment relating to a computer in the Transportation Department be withdrawn. Without objection, those items were withdrawn from the Consent Agenda. Ms. Babb moved Administration's recommendation on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - THE MOONVIEW SUPPER CLUB, INC. - APPROVED

This is a privilege license application for "The Moonview Supper Club, Inc.," located at 1607 Curtis Drive. The owner, James Calvin McIntosh, is the individual making application. City Code Sections 2-2032 (2), (3), (5), and 12-2118(2) require City Council approval before a license may be issued for a dance hall, private club with live entertainment, classified as a class one entertainment center.

The Police and Inspections reports indicate approval.

Recommendation: Approval of this business license is recommended. Consent Agenda Approval: Babb/Calloway - 8 ayes.

GRANT ACCEPTANCE - YOUNG VOLUNTEERS IN ACTION - APPROVED - BUDGET ADOPTED

The City has been awarded a grant from ACTION to involve youth in serving the needs of their community. The budget is $22,400 which includes a grant of $20,000 and in-kind services of the City of $2,400.

Recommendation: It is recommended that the grant be accepted and that the following budget be authorized: Consent Agenda Approval: Babb/Calloway - 8 ayes. See Ordinance 425.

Salaries	$13,167
Fringe Benefits	2,250
In-Kind	2,400
Communications	600
Staff Travel	700
Office Supplies	110
Volunteer Recognition	428
Volunteer Insurance	370
Volunteer Travel	2,375
Total	$22,400

TELECOMMUNICATIONS COMMISSION - BYLAWS - REVISION ADOPTED

At a previous Work Session, the Council approved a revised set of Bylaws for the Telecommunications Commission. The Commission has reviewed the revised document and concurs except for Section 4.2 which it desires to modify so that the third paragraph reads as follows:

"The Commission shall make recommendations to appropriate City officials on all major financial transactions of the Commission and in areas monitored by the Commission."

Recommendation:

It is recommended that the revised Bylaws be approved with the adjustment to Section 4.2 noted above. Consent Agenda Approval: Babb/Calloway - 8 ayes.

E. M. JOHNSON WATER TREATMENT PLANT - CONSTRUCTORS, INC. - RETAINAGE REDUCTION AUTHORIZED

Constructors, Inc., the general contractor for the E. M. Johnson Water Treatment Plant, has requested a retainage reduction. The majority of punch list items have been corrected and the work is 99 per cent complete.

Recommendation: It is recommended that the retainage be reduced to $125,000 which is adequate to account for the remaining work items. Consent Agenda Approval: Babb/Calloway - 8 ayes.

ZONING HEARINGS - NOVEMBER - SET

The Planning Department has received 12 zoning cases for the November hearing; therefore, the only hearing required will be on Tuesday, November 20, 1984, at 6:30 p.m.

Recommendation: It is suggested that the City Council zoning tour be scheduled for November 15, at 8:00 a.m. Consent Agenda Approval: Babb/Calloway - 8 ayes.

SANITARY SEWER - REQUEST TO EXTEND - APPROVED

A request has been received from York Properties to extend 850 feet of sanitary sewer to serve four existing lots located on the east side of NC 50 and south of Strickland Road.. The property is located inside our ETJ.

Recommendation: It is recommended that Council concur in the request, subject to the Public Utilities Department reviewing and approving the engineering drawings. The applicant will obtain the necessary construction permits and all work will be in conformance with City of Raleigh standards. Consent Agenda Approval: Babb/ Calloway - 8 ayes.

TAXICAB OWNER'S PERMIT - APPROVED ON SECOND AND FINAL READING

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. The applications were approved on the first reading during the Council Meeting on October 2, 1984. It would be appropriate for the Council to approve these on a second and final consideration.

Archie Bond, Archie's Bus and Taxi Limousine Service (Franchise Renewal)

Apollo Ombajo, American Cab Company (Franchise Renewal)

Harry W. Griffin, American Cab Company (Renewal Individual Owner's Permit)

Loman Wilbur Murray, Jr., American Cab Company (Renewal Individual Owner's Permit)

Calvin Berry Bagwell, Raleigh Cab Company, D/B/A Safety Taxi Company (Franchise Renewal)

Silas Sills and Dennis Sills, Holiday Cab Company (Franchise Renewal)

James Odell Howard, Holiday Cab Company (Renewal Individual Owner's Permit)

Luther Norton, Airline Cab Company (Franchise Renewal)

Fred Swan, Sunrise Cab Company (Franchise Renewal)

Consent Agenda Approval: Babb/Calloway - 8 ayes.

TAXICAB OWNER'S PERMITS - APPROVED ON FIRST READING - TO BE PLACED ON NOVEMBER 6, 1984 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the November 6, 1984, Agenda for second and final consideration.

William R. Williams, Yellow Cab Company (Franchise Renewal)

Henry Benjamin Murray, Southern Cab Company (Franchise Renewal)

Irvin Eugene Doggett, Strop Taxi Company, Inc. (Franchise Renewal)

Johnnie M. Young, Young Taxi Company (Franchise Renewal)

William E. Blalock, Sr., Blue Diamond Cab Company (Franchise Renewal)

Charles Whitley Bobbitt, Blue Diamond Cab Company (Renewal of Individual Owner's Permits)

Walter Hill, III, Blue Diamond Cab Company (Renewal of Individual Owner's Permit)

Norman Mickens, Blue Diamond Cab Company (Renewal of Individual Owner's Permit)

Clyde Hood Johnson, Johnson Limousine Service (Franchise Renewal)

Ronnie Lee Haynes, Commuters Express, Inc. (Franchise Renewal)

Samuel James Jackson, Airline Cab Company (Renewal Individual Owner's Permit)

James Snellings, Esquire Cab Company (Franchise Renewal)

Joseph Harris, Esquire Cab Company (Renewal Individual Owner's Permit)

Malachi Wilkins, Triangle Cab Company (Franchise Renewal)

Marvin Barnes, Robert L. Cobb, Jean Colvin Martin Watkins, and Mary Blackwell Hinton (Renewal Individual Owner's Permits)

Consent Agenda Approval: Babb/Calloway - 8 ayes.

BUDGET AMENDMENTS - PARKS AND RECREATION - APPROVED

The Agenda presented a budget amendment in the amount of $9,922.83 to place into an expenditure account, funds donated by the Raleigh Fine Arts Society for restoring panels on the Pullen Park Carousel. Administration recommends approval of the budget amendment as outlined. Consent Agenda Approval: Babb/Calloway - 8 ayes.

ORDINANCE NO. (1984) 425

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows to reflect acceptance of an Action Grant for Young Volunteers in Action:

Revenues:	02-1-2100-0100	Action-YVA	$20,000.00
	02-1-2100-0101	In-Kind, YVA	2,400.00
Expenses:	02-2-2100-0000	Action-YVA	$ -0-
	02-2-2100-0100	Salaries	13,167.00
	02-2-2100-0101	Fringe Benefits	2,250.00
	02-2-2100-0102	In-Kind	2,400.00
	02-2-2100-0228	Communications	600.00
	02-2-2100-0231	Travel	700.00
	02-2-2100-0260	Office Supplies	110.00
	02-2-2100-0265	Volunteer Recognition	428.00
	02-2-2100-0266	Volunteer Insurance	370.00
	02-2-2100-0268	Volunteer Travel	2,375.00

WS 1984-2 - POOLE/NEW HOPE ROADS WATER MAIN - CHANGE ORDER 1F - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order 1F - T. A. Loving Company relating to contract WS 1984-2 - Poole Road and New Hope Road water main. The change order is for a reduction of $20,660.84. The Agenda outlined the need for the change order and the budget accounts that should be amended by the change order is approved.

Administration recommends approval. Consent Agenda Approval: Babb/Calloway - 8 ayes. See Ordinance 427 TF7.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTION CONCURRED WITH

Council Members received in their Agenda packets a list of administrative transfers which have been authorized according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda Approval: Babb/Calloway - 8 ayes.

The transfers were as follows:

FROM	TO	AMOUNT
06-2-7030-0225	06-2-7030-0779	$980.00
40-2-1510-0100	40-2-1510-0101	702.00
40-2-1510-0100	40-2-1510-0101	754.00
01-2-6010-0661	01-2-6010-0675	18.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda listed a number of transfers within various departments for purposes as set out therein. Administration recommends approval of the transfers. Consent Agenda Approval: Babb/Calloway - 8 ayes.

ORDINANCE NO. (1984) 427 TF 7

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	80-2-1443-0101	Charles River Water-A	$20,660.84
To	80-2-1000-0000	Reserve for Council Projects	20,660.84

Purpose: Change Order - WS 1984-2 - Poole Road and New Hope Road Water Mains, T. A. Loving Company - Final.

From	01-2-1040-0001	Contingency	$ 6,812.38
To	01-2-1040-0295	Wake County Real Prop. Tax	6,812.38

Purpose: Provide funds for payment of property taxes on the third party leased computer equipment.

From	80-2-1443-0101	Charles River Water-A	$ 6,030.00
To	80-2-1450-0102	Eng. S. Atlantic Avenue	6,030.00

Purpose: Engineering services to design the relocation of the 30" water main in the southern end of Atlantic Avenue.

From	02-2-5350-0100	Salaries	$ 4,500.00
From	02-2-5350-0101	Fringe	500.00
To	02-2-5350-0701	Equipment	5,000.00

Purpose: Payment of portion of cost of micro computer.

PU 1984-8, 9 AND 10 - VARIOUS LOCATIONS - RESOLUTION OF INTENT ADOPTED

PU 1984-8 calls for the installation of approximately 1,140 feet of 8-inch sanitary sewer main beginning at the Fire Station on Pleasant Valley Road, thence north along Commerce Drive and along easement at Elk Electric, Inc. The estimated cost is $29,640. The request was made by Elk Electronics, Inc., and the assessment would be on a per lot basis.

PU 1984-9 calls for the installation of approximately 1,461 feet of 8-inch sewer main beginning at 6021 Dodsworth Drive south to Leesville Road, thence west to existing Hare Snipe Creek Outfall. The estimated cost is $38,000. The request was made by T. J. Zimmerman. Assessment would be on the per lot basis.

PU 1984-10 calls for the installation of approximately 2,000 feet of 16-inch ductile iron water main to be installed beginning at existing 16-inch water line on Highway 70, thence south down Duraleigh Road to tie into existing 16-inch water line at Delta Lake Drive. The estimated cost is $80,000 and the assessment would be on a front footage basis. The request was made by Tri-City Builders, Inc.

Administration recommends that the City Council adopt a Resolution of Intent and set a public hearing date of November 20, 1984, to consider these three projects. Consent Agenda Approval: Babb/Calloway - 8 ayes.

RESOLUTION NO. (1984) 628

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefore; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

(a) PU 1984-8 - Installation of approximately 1140 feet of 8-inch sanitary sewer main beginning at the fire station on Pleasant Valley Road, thence north along Commerce Drive and along easement at Elk Electric, Incorporated. (Assessment on per lot basis).

(b) PU 1984-9 - Installation of approximately 1461 feet of 8-inch sanitary sewer main beginning at 6021 Dodsworth Drive south to Leesville Road, thence west to existing Hare Snipe Creek outfall. (Assessment on per lot basis).

(c) PU 1984-10 - Installation of approximately 2000 feet of 16-inch ductile iron water main beginning at existing 16-inch water line on Highway 70, thence south down Duraleigh Road to tie into existing 16-inch water line at Delta Lake Drive. (Assessment on front footage basis).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: See each project above.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 20 day of November, 1984, at 1:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended traffic changes relating to Loading Zone removal on Wilmington Street, Loading Zone time limit revision on Davie Street, No Parking on East Edenton Street and traffic controls on Mark Street. The Agenda also presented recommended changes in parking on Navaho Drive with the recommendation that this ordinance become effective immediately and the ordinance not be codified. Administration recommends approval of the traffic changes as outlined. Consent Agenda Approval: Babb/Calloway - 8 ayes.

ORDINANCE NO. (1984) 428

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled "Stop Signs" be amended by adding the following:

Mark Street at Bledsoe Avenue
Mark Street at Lee Street

Section 2. That Traffic Schedule 5B2 entitled "35 MPH School Zones" be amended by adding the following:

Lynn Road from Leadmine to Valley Estates Drive

Section 3. That Traffic Schedule No. 13 entitled "No Parking Zones" be amended by adding the following:

East Street, east side, between Polk Street and Oakwood Avenue

Section 4. That Traffic Schedule No. 17 entitled "Loading Zones: be amended by adding the following:

Davie Street, north side, beginning at a point 82 feet east of Wilmington Street, eastward 34 feet, 7:00 a.m. to 5:00 p.m., Monday through Saturday

Amend said Schedule further by deleting the following:

Davie Street, north side, beginning at a point 82 feet east of Wilmington Street, eastward 34 feet
Wilmington Street, west side, from Hargett Street, northward 55 feet

Section 5. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective October 23, 1984.

Adopted: 10/16/84

Effective: 10/23/84

ORDINANCE NO. (1984) 429

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH NECESSARY FOR THE IMMEDIATE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF RALEIGH, EFFECTIVE FOR A TEMPORARY PERIOD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That Traffic Schedule 13 entitled "No Parking" be amended by deleting the following:

Navaho Drive, south side, from 500 feet west of Wake Forest Road to a point 700 feet westward

Section 2. That this ordinance shall be in effect for a temporary period and will not be included in the permanent Traffic Schedule.

Section 3. That all laws and portions of law thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance, being an emergency ordinance, shall become effective upon its adoption.

Adopted: 10/16/84

Effective: 10/16/84

END OF THE CONSENT AGENDA

COMPREHENSIVE HOUSING STUDY - REAL ESTATE RESEARCH CORPORATION - CONTRACT EXTENDED

The quality and availability of existing basic data for the Comprehensive Housing Study has been less than originally anticipated. It is expected that the work to overcome this problem will delay the study completion approximately two months.

Recommendation: It is recommended that the present contract with Real Estate Research Corporation be extended two months until March 15, 1984, to provide sufficient time to properly complete the study.

City Manager Benton indicated the problem relates to accumulation of the background data needed in a pattern that can be used. He indicated there is need for some of the housing data, building permit data, etc., to be gathered in a more discrete way than it is kept by the City at this point. Mr. Calloway questioned if two months will be enough time with City Manager Benton indicating he understands that it will be. In response to questioning, he indicated this does not call for additional money. Ms. Cates indicated she was told this report would be coming back in segments and questioned if we would receive anything prior to March 15. City Manager Benton indicated he was not aware it was coming back in segments. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMMUNITY DEVELOPMENT - CONTRACT FOR LEGAL SERVICES - APPROVED

For several years, the firm of Hatch, Little, Bunn, Jones, Few and Berry has provided legal services for the Community Development Program through a contract with the Raleigh Housing Authority. The Department of Housing and Urban Development has suggested that the City contract directly for these services. A proposed contract to continue these services at a $250 per month retainer fee and $30 per hour for special services was included in the Agenda packet.

Recommendation: It is recommended that the contract with Hatch, Little, Bunn, Jones, Few and Berry be approved.

Ms. Block indicated she pulled the item from the Consent Agenda questioning what the retainer fee would cover and what the $30 per hour would cover. City Attorney McCormick explained the contract, pointing out this is basically the same as we have now, except it would be on a contract basis. Ms. Block moved Administration's recommendation be upheld. Her motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BUDGET AMENDMENT - GARRIS BUILDING - ORDINANCE ADOPTED

The Agenda outlined a budget amendment in the amount of $15,000 and explained the amendment was needed to establish a budget for the renovation of the Garris Building at Fred Fletcher Park for use as a Business Technology Center. All renovations are to be funded by the Business Technology Center project. Ms. Cates indicated she had requested this item be withdrawn from the Consent Agenda, pointing out she had received a lot of feedback from the neighborhood explaining, apparently, this came as a surprise. She stated she would like some assurance that this is for a one year lease, explaining by that time, she feels that the City would be in a position to utilize the building for City purposes and use by City taxpayers. City Manager Benton indicated this was discussed with the Park staff people, so they were aware of the proposal. He stated this would allow us to use a presently unoccupied building and it is for a one year lease. Ms. Cates indicated she knew of one group that have been using this building as a meeting space and questioned if the Business Technology Center would occupy the total building. City Manager Benton indicated he wasn't aware that anyone was using the building as a meeting facility. He stated the entire building would be used by the Business Technology Center. Mr. Walters indicated this has been approved by the City Council. Ms. Cates moved that Administration's recommendation be upheld and the budget amendment authorized. Her motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 426

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows to establish a budget for the renovation of the Garris Building at Fred Fletcher Park for use as a Business & Technology Center:

Revenue:	37-1-0030-0100	Garris Bldg. Renov.-UNC	$15,000.00
Expense:	37-2-2430-0202	Garris Bldg. Renov.-UNC	$15,000.00

Section 2. That the 1984/1985 Budget be amended as follows to place into an expenditure account funds donated by the Raleigh Fine Arts Society for restoring panels on the Pullen Park Carousel (Receipt No. 367085):

Revenue:	37-1-0070-0200	Misc. Income	$ 9,922.83
Expense:	37-2-3000-0200	Carousel Panels	$ 9,922.83

Section 3. That the 1984/1985 Budget be amended as follows to establish budget for Section 9A Grant to purchase micro computer, automobile, construction of paint booth, and architectural fee for design of paint booth:

Revenue:	42-1-7000-0100	UMTA NC-90-0014	$101,600.00
	42-1-7000-0101	State 85-9A-01	12,700.00
	42-1-7000-0102	City-Cash Match	12,700.00
	42-1-7000-0103	From Vehicle Sales	500.00
Expense:	42-2-7000-0102	Arch. fee for design Pt. Bth.	$ 8,000.00
	42-2-7000-0101	Construction of Paint Booth	102,500.00
	42-2-7000-0104	Misc.	1,000.00
	42-2-7000-0700	Micro Computer	6,000.00
	42-2-7000-0701	Automobile	10,000.00

Section 4. That the 1984/1985 Budget be amended as follows to reflect agreements with the Calibre Company of NC, Inc. and with State for Lake Dam Road Project:

Revenue:	32-1-0070-0200	Misc.	$123,472.04
Expense:	32-2-5032-0100	Lake Dam Road	$123,472.04

TRANSPORTATION DEPARTMENT - BUDGET AMENDMENT AND TRANSFER RELATING TO COMPUTERS - APPROVED

The Consent Agenda listed a budget amendment in the Transportation Department in the amount $127,500 to establish a budget for Section 9A Grant to purchase micro computer, automobile, construction of paint booth, and architectural fees for design of the paint booth. Funding would be 80% Federal, 10% State and 10% City. No additional City funds would be needed. Local match would be from unused, carry-over funds from previously authorized UMTA capital projects. The Agenda also listed a transfer in the amount of $5,000 within the Transportation Department to budget money to pay part of cost to purchase the micro computer. Ms. Block stated she had pulled these two items from the Consent Agenda, pointing out when she was on the Council some ten years ago, the Council appropriated money to purchase a gigantic computer and that was supposed to serve our computer needs for years. City Manager Benton indicated we have gone through another generation of computer technology that is available, and the result of that is the possibility to get smaller computers at very economical prices. He stated this particular computer will allow us to do a lot of information collection and analysis that has been being done manually. Ms. Block questioned if the micro computers are cheaper than updating our computer system, with City Manager Benton indicating if you look at the overall cost of updating our main frame computer, that the smaller computers are a cheaper alternative, pointing out presently we have two main frame computers. Ms. Block moved the budget amendment and transfer as outlined by upheld. Her motion was seconded by Mr. Walters and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 426 and Ordinance 427 TF7.

REQUESTS AND PETITIONS OF CITIZENS

COMPREHENSIVE PLAN - PROPOSAL TO AMEND COLLECTOR AND THOROUGHFARE STREETS - REFERRED TO PUBLIC WORKS COMMITTEE

Barrett L. Kays was at the meeting explaining he had sent Council Members a letter explaining his request. He pointed out he is working on a project north of Durant Road representing Weaver-Rogers Associates. He indicated there are several collector streets proposed on the Comprehensive Plan in this area. He indicated they feel that the plan needs to be amended, some modification to these roads to bring them into compliance with the proposed zoning in the critical areas and make them consistent with the previously adopted Falls Basin Policy and current policy discussions on development in this area. Ms. Block indicated she felt Mr. Kays is correct questioning why we should put two streets in an area where we are trying to limit impervious surfaces. She indicated maybe we should wait to act on this request until we get reports from the Falls Task Force. Mr. Kays indicated it is his feeling that these amendments should have been included in the package that went to public hearing some months ago about this area. He suggested the possibility of putting this item into Public Works Committee to see how it could be dovetailed with the other recommendations on the area. He stated they would like to have a public hearing authorized, but there is no big hurry on this change. Mr. Congleton indicated the purpose of a public hearing is to get input and maybe we could go both ways, that is, go ahead and authorize a public hearing to consider amending the Collector and Thoroughfare Plans of the Comprehensive Plan and at the same time, place the item in Public Works Committee. Ms. Cates indicated she feels that it would be best for the item to go to public hearing; therefore, moved that a public hearing be authorized to consider amending the Collector and Thoroughfare Plans of the Comprehensive Plan in the area north of Durant Road and west of Falls of Neuse Road within Raleigh's ETJ. Her motion was seconded by Mr. Calloway. Ms. Babb asked to be excused since her husband is involved in this project. Without objection, Ms. Babb was excused. Mr. Walters indicated it is a little unusal to go to public hearing before the matter is discussed and decided on in Committee as to what should go to public hearing. This was discussed, after which, Ms. Cates amended her motion to indicate, in the interest of time, that the City Council authorize a public hearing on Mr. Kays' proposal and then discuss the matter in Public Works Committee. This amended motion was accepted by Mr. Calloway and put to a vote which passed unanimously.

Later in the meeting after suggestions by the City Manager as to procedure, Mr. Congleton moved that the City Council rescind the previous action on this item. His motion was seconded by Ms. Block and put to a vote which passed unanimously. Mr. Congleton moved that the request to amend the Collector and Thoroughfare Plan of the Comprehensive Plan in the area north of Durant Road and west of Falls of Neuse Road be referred to Public Works Committee. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMPREHENSIVE PLAN - REQUEST FOR AMENDMENT TO COLLECTOR STREETS IN SOUTHEAST RALEIGH - REFERRED TO PUBLIC WORKS COMMITTEE

Richard Paton, representing Paton, Zucchino, and Associates, was at the meeting to request a public hearing to consider amending a portion of the Comprehensive Plan relating to collector streets in southeast Raleigh. He indicated he was representing Ammons-Brown Properties and Eastman Development Companies who own approximately 492 acres in this area, pointing out his client, Eastman Development, owns 127 acres of property. He indicated he had submitted information relative to the request and the specific request he is making. Discussion took place with it being pointed out this is the same request as made by Mr. Kays and the procedure that should be followed in

having a hearing to considering amending the Comprehensive Plan. City Manager Benton indicated, in taking a look at these amendments, he would ask that the City Council take a deliberate approach, which would hopefully involve a review of the request by a committee before it is sent to public hearing, as he feels it would be better to go to a public hearing on a proposal that had been reviewed by the staff and a committee rather than just staff, after which, Mr. Congleton moved that the request to amend the Collector Street Plan in the southeast Raleigh area be referred to Public Works Committee. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SURPLUS PROPERTY - REQUEST TO PICKUP - NO ACTION TAKEN

Larry Beaver had requested permission to discuss the possibility of picking up items he purchased from the City at a surplus sale. Mr. Beaver was not at the meeting. City Manager Benton explained this item, pointing out Mr. Beaver had purchased property from the City of Raleigh through a surplus sale procedure. Subsequently, Mr. Beaver came to the Council requesting a refund on the item. He indicated at that time, the Council denied that request and Mr. Beaver was notified by mail that he had until August 15 to pick up the equipment and if he did not, his bid bond would be forfeited and we would resell the property. Mr. Beaver did not pick up the property and at this time point, Administration would recommend no action on this request. By general consensus, no action was taken.

POLICY DIRECTIONS - REQUEST FOR ASSISTANCE IN IMPLEMENTATION - REFERRED TO ADMINISTRATION

Penny Greene, 7208 Creedmoor Road, was at the meeting and made the following presentation:

> "I am here before you today to discuss the way new policies that are being implemented. I have worked in Raleigh for 8 years and have seen the dynamic nature of Raleigh's City Code. I have seen the process of changing the Code, often with a direction from Council, staff recommendation, public hearings, communication and discussion with parties affected, and finally a Code change complete with specific details and commencement dates.
>
> Recently though, I have witnessed virtually every department of the City, concerned with new construction, trying to implement some of the Council's new directives. Code changes take time and a lot of concern to assure they are implemented wisely, to make Raleigh the community we all want it to be.
>
> Currently, there seems to be an effort by staff to enforce the Council's wishes without this necessary and length procedure for Code changes. I specifically refer to two cases where permits have been denied for reasons not substantiated by Code. I ask you to hear these cases and either cite me Code references or uphold the Code, Section 10-6038, which requires a permit be issued when the application complies with the Code.
>
> The first is a building permit which has been denied on the grounds that the recorded map (approved by the City prior to recordation) does not show necessary information. But this information is not required by the Code even with its most recent revision effective October 1. I can show that permits have been issued with similar recorded maps in the past as well as the present. But now departments are telling me this has changed, although I cannot find out how or when or why. And even when I speculate why this information is being required on the record map, I would challenge this methodology. Again, I state the map in question was approved.
>
> Secondly, a grading permit has been denied because the property to be graded does not have site plan approval. Although this tract is zoned Shopping Center, no buildings or parking are included in this grading request and all soil erosion measures have been approved. Again, I cannot locate a Code to indicate site plan approval is required, but the Code does state I should bring this denial before you for interpretation.
>
> I sincerely hope this matter can be resolved expeditiously, for these cases I have cited are withholding permits without cause until a decision is made, and I would appreciated an effort by the Council to preclude this occurrence in the future.
>
> I thank you for your time and I am willing to answer any questions you may have to resolve this matter. After all, I'd much rather expend my energies in cooperation - not opposition."

Mayor Upchurch indicated since Administration did not know what this presentation would include, he would suggest that the item be referred to Administration for a report. Without objection, the item was so referred.

MARDELLA DRIVE - VARIANCE FROM SUPER-ELEVATION - APPROVED

Penny Greene, 7208 Creedmoor Road, representing Development Associates, Inc., was at the meeting to request a variance from the required super-elevation on the curve at the end of Mardella Drive in the West Lake Subdivision. She indicated this plan was

approved in the last few months by the City Council and they are presently in the construction phase of gathering data. She indicated they are requesting a variance based on adverse topography, reduction of design speed at a cul-de-sac and the lack of traffic count within this portion of the "collector" road and an increase in the radius to 600± feet. She pointed out there are two curves on Mardella Drive, but they are requesting the variance on the curve at the end of Mardella Drive. City Manager Benton indicated the request is to waive the requirements for super-elevation on the curve, which is at the end of Mardella Drive, a proposed cul-de-sac. Mr. Benton indicated the variance would be in accordance with the provision of the subdivision regulation which authorizes Council waiver of such requirement. It was pointed out there are adverse topographical conditions which make development of the lots on the low side of the proposed street very difficult. The curve is at the closed end of a cul-de-sac and speeds will necessarily be low; therefore, the absence of super-elevation should not present a problem. It was pointed out the subdivision engineers have increased the curve radius for the street above minimum requirements to offset any negative affects resulting from the absence of super-elevation. He stated Administration does not object. Mr. Walters moved the request be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ADULT ENTERTAINMENT - SPARKLES - NO ACTION TAKEN

Andrew J. Ross, representing "Sparkles," had requested permission to discuss problems he is experiencing by not having correct licenses for adult entertainment. Mr. Ross was not at the meeting. City Manager Benton indicated, as he understands the problem, Mr. Ross does not have a special use permit from the Board of Adjustment for an adult entertainment center. He indicated a Class II Entertainment License has not been issued to this location. For adult entertainment to occur in this facility, a special use permit must be granted by the Board of Adjustment; therefore, there is no action the Council should or could take. Without objection, the item was removed from the Agenda with no action taken.

ROAD RACE - NCSU - APPROVED

Representatives of NCSU had requested permission to conduct a three mile race on streets in the area of the University on October 26, 1984, between 3:00 and 4:00 p.m. No one was at the meeting. City Manager Benton indicated Administration has reviewed the request and Council members received a copy of the route of the race. The route does not involve any major traffic ways nor dangerous intersections. Campus Police have agreed to assist along the campus streets. The Raleigh Police Department has no objection to the run being conducted as planned, and it should not be necessary for the sponsors to employ off-duty Police Officer, as on-duty Officers can be assigned to monitor the route along City streets. Administration recommends approval. Mr. Keller moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SPECIAL ITEMS

CABLEVISION RATE CHANGES - COMMENTS FROM TELECOMMUNICATION COMMISSION RECEIVED - ITEM TO BE PLACED ON NOVEMBER 6, 1984 AGENDA

During the October 2, 1984 Council Meeting, the City Council requested that representatives of Cablevision of Raleigh appear at this meeting and explain their planned rate changes and explain justification under the present franchise for these rate changes.

Karen Garr, Vice Chair of the Raleigh Telecommunications, was at the meeting and presented the following response:

> "In response to your request that the Telecommunications Commission study the recent rate increases announced by Cablevision of Raleigh and provide recommendations for appropriate actions to the Council, the Commission has met with Cablevision in two special meetings. At our request, Cablevision agreed to defer any rate increases until December 1, 1984. At the second meeting this morning, Cablevision announced that it is withdrawing ALL previously-announced rate changes with the exception of those related directly to premium (pay) services, over which the City would seem to have no jurisdiction under either Federal law or under the terms of the Franchise Agreement. This means NO increase for the remote control, NO folding-in of the converter rental fee with base charges, and reconsideration of the switching charge. Cablevision agreed to report on its final proposals as to increase in pay rates at the Commission meeting next Wednesday evening, October 24.
>
> However, the Commission members continue to be deeply concerned over the Franchise as it relates to regulation of Cablevision, and that company's recognition of the viability of the terms of this two-party contract. We would ask that the Council defer any further action or discussion of this matter until its next meeting, thus allowing the Commission a chance to complete its study of all these issues and bring before the Council our recommendations for any actions in regard to Cablevision and the Franchise Agreement."

Without comment, the Council received the Raleigh Telecommunication Commission report and suggested that the item be placed on the November 6, 1984 Agenda.

PUBLIC HEARINGS

STREET CLOSING - PORTION OF LAKE WOODARD DRIVE RIGHT-OF-WAY - HEARING - CLOSED - EASEMENT RETAINED

This was a hearing to consider the permanent closing of a portion of Lake Woodard Drive right-of-way. The hearing is pursuant to petition, notification and advertisement as required by law. Planning Director Chapman pointed out the area in question, pointing out the closing has been requested as a result of the realignment of Lake Woodard Drive which abandoned the subject portion of old right-of-way. He explained there is located in the subject right-of-way a 4-inch natural gas main upon which a 10-foot easement has been requested by Public Service Company of North Carolina. Administration recommends that, following the public hearing if no adverse comments are received, adoption of a resolution closing the right-of-way with the condition that a 10-foot easement be retained for access to the gas main. The Mayor opened the hearing to the public.

Penny Greene, representing Development Associates, indicated she initiated the petition and would be available to answer questions. No one else asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution closing the portion of the right-of-way as advertised, subject to retaining the 10-foot easement. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 629

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF LAKE WOODARD DRIVE AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Lake Woodard Drive right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the questions, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Lake Woodard Drive be closed permanently as follows:

The portion of the existing Lake Woodard Drive beginning 580.06'; west of the point where Lake Woodard Drive begins to turn into Bastion Lane, also shown on the map entitled "Tower Commercial Park Recombination of Lots 2, 4, 5, and 6," dated 3/27/84, revised 6/4/84 and shown as the area double cross-hatched north of Lots 2, 4, 5, and 6. (See attached conditions.)

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 10/16/84

Effective: See Section 2

**CONDITION: That a 10' easement be retained for access to the gas main.

STREET CLOSING - PORTION OF KYLE DRIVE RIGHT-OF-WAY - HEARING - CLOSED WITH CONDITIONS

This was a hearing to consider the permanent closing of a portion of Kyle Drive right-of-way. The hearing is pursuant to petition, notification and advertisement as required by law. Planning Director Chapman indicated the realignment of Kyle Drive, at the site of the subject street closing, has been approved by City Council in Subdivision S-78-82, and the request is to close the unimproved existing right-of-way. He indicated Administration recommends approval of the street closing with the condition that the approved realigned right-of-way of Kyle Drive be dedicated and constructed prior to the abandonment of the subject right-of-way and that the North Carolina Department of Transportation concur with the closing. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution ordering the closing with the conditions as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 630

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF KYLE DRIVE RIGHT-OF-WAY AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Kyle Drive right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Kyle Drive be closed permanently as follows:

> A portion of Kyle Drive, also known as SR 2213, located on the east side of Highway 401 North between James Road and Dansey Drive

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 10/16/84

Effective: See Section 2

**CONDITIONS: That the approved realigned right-of-way of Kyle Drive be dedicated and constructed prior to the abandonment of the subject right-of-way and that the North Carolina Department of Transportation concur with the closing.

ANNEXATION - POYNER PLACE - HEARING - ORDINANCE ANNEXING PROPERTY ADOPTED

This was a hearing to consider the contiguous annexation of property described as Poyner Place. The hearing is pursuant to petition, resolution, advertisement and notification as required by law. Planning Director Chapman explained the request. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Administration recommends adoption of an ordinance annexing the property effective December 31, 1984, and adoption of a resolution placing this property in City Council District E. Ms. Cates moved Administration's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 631

A RESOLUTION TO AUTHORIZE THE INCLUSION OF POYNER PLACE IN CITY ELECTORAL DISTRICT E

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1984) 430 adopted October 16, 1984, annex a parcel of land being commonly referred to as Poyner Place; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, district E is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Poyner Place as described in Ordinance No. (1984) 430 be added to City Electoral District E.

Adopted: 10/16/84

Effective: 12/31/84

ORDINANCE NO. (1984) 430

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS POYNER PLACE

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on October 16, 1984, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1984

POYNER PLACE
ANNEXATION DESCRIPTION

BEGINNING at an iron pipe located on the western right-of-way line of Duraleigh Road (said road having a 100 foot wide right-of-way), which right-of-way line pipe is located South 02°26'53" West 786.87 feet from the intersection of the center line of Duraleigh Road with the center line of Pleasant Valley Road, said point of beginning also being a point in the City of Raleigh existing (10-1-84) corporate limits; thence following said City Limits and the western right-of-way of Duraleigh Road the following courses and distances: In a southeasterly direction on a curve to the left, said curve having a radius of 2341.84 feet and a delta of 06°53'54", and arc distance of 281.96 feet to a point, South 17°44'02" East 650.23 feet to a point, and southerly on a curve to the right, said curve having a radius 1477.33 feet and a delta of 17°54'24", an arc distance of 461.71 feet to an iron pipe located in said western right-of-way; thence leaving said existing City Limits North 83°29'47" West 462.53 feet to an iron pipe at a fence corner; thence South 03°25'27" West 653.34 feet to an iron pipe; thence North 84°53'00" West 2680.34 feet to an iron pipe; thence North 06°10'22" East 95.15 feet to a concrete monument; thence North 83°51'24" West 482.81 feet to an iron pipe; thence North 26°25'23" West 28.81 feet to an iron pipe; thence North 13°12'47" West 128.87 feet to an iron pipe; thence North 31°39'25" East 229.77 feet to an iron pipe; thence North 74°08'51" East 61.58 feet to an iron pipe; thence South 48°59'13" East 275.17 feet to an iron pipe; thence North 11°51'51" West 102.91 feet to an iron pipe; thence North 00°18'55" West 133.02 feet to an iron pipe; thence North 50°25'58" East 108.27 feet to an iron pipe; thence North 39°49'11" East 131.05 feet to an iron pipe; thence North 04°46'11" East 113.14 feet to an iron pipe; thence North 12°20'06" West 181.20 feet to an iron pipe; thence North 01°48'45" West 156.86 feet to an iron pipe; thence North 05°36'51" West 137.69 feet to an iron pipe; thence North 80°23'50" East 95.70 feet to an iron pipe; thence North 06°39'46" West 41.46 feet to an iron pipe; thence North 13°10'05" East 46.45 feet to an iron pipe; thence South 82°11'46" West 140.48 feet to an iron pipe; thence North 57°43'30" West 73.60 feet to an iron pipe; thence North 68°26'57" West 218.20 feet to an iron pipe; thence North 00°12'57" West 29.44 feet to an iron pipe; thence South 87°38'05" East 524.72 feet to an iron pipe; thence South 82°46'37" East 50.00 feet to an iron pipe; thence North 07°12'42" East 476.57 feet to an iron pipe ; thence South 84°37'02" East 1289.46 feet to an iron pipe; thence North 08°32'10" East 187.36 feet to an iron pipe; thence South 63°23'00" East 115.22 feet to an iron pipe; thence South 70°44'26" East 184.93 feet to an iron pipe.; thence South 79°19'24" East 87.78 feet to an iron pipe; thence South 69°54'05" East 229.39 feet to an iron pipe; thence South 65°15'11" East 168.62 feet to an iron pipe; thence South 81°34'34" East 489.31 feet to an iron pipe located on the western right-of-way line of Duraleigh Road, the point and place of Beginning, containing approximately 137.3495 gross acres, all according to that survey entitled, "Plat of Actual Survey, Harlon Properties, House Creek Twsp., Wake Co., N.C.," dated June 26, 1984, revised 30 August 1984, by Murphy Yelle Associates, R.L.S.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of the State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1984.

Adopted: 10/16/84

Effective: 12/31/84

BOND ISSUE - PUBLIC HEARING - BOND ORDER ADOPTED - CLERK DIRECTED TO PUBLISH

This was a hearing to receive public comment on the questions of the validity of the bond order and the advisability of issuing bonds in the amount of $20 million to provide funds for sidewalk and street improvements. City Manager Benton explained the procedure to this point. He indicated the action of the City Council, after the public hearing, would be to adopt the bond order. Mayor Upchurch opened the hearing to the public.

Jim Berry indicated he lives on Creedmoor Road and is a member of the Steering Committee of the newly opened Raleigh Peoples Alliance. He explained this organization has been active in the Raleigh area for about nine years, pointing out their principal activity has been in Durham. He indicated approximately two months ago, they decided to open an office in the Raleigh area with their first order of business to be recruiting members, a fund raising effort and to take a look at the Road Bond issue. He indicated they have questions if the solution to Raleigh's traffic problem is more roads and questioned who the group Friends of Roads encompasses. He indicated they ask questions as to whether our public transportation is being conservative and if clean water and air issues are taken into consideration. He indicated they felt that this type matter should have been scheduled for an evening session so more people could attend.

Harriett Kestenbaum, 905 West Lenoir Street, indicated she is the coordinator of People's Alliance in Raleigh. She stated they were very disappointed that the public hearing was held in the afternoon, that it should have been an evening or weekend meeting so more people could attend. She indicated traffic congestion has become a problem in the Raleigh area but questioned if new or wider roads is the only solution. She called on the City to take a more planned approach to traffic problems and indicated revenues from bonds could be used to better transit service, bikeways, sidewalks, etc. She called on the City and corporate entities to encourage flex time, pointing out CP&L, a major downtown employer, requires all employees to work 8:00 a.m. to 5:00 p.m. She indicated some of the improvements included in the bond issue, such as Duraleigh Road improvements, would promote more scattered development, pointing out the City of Raleigh had put a high priority on downtown revitalization, but this goes in direct conflict with that. She indicate Shelley Park would be ruined by a roadway going through the area. She indicated they feel it is unfair and unjust to make City residents pay for roads they will never use. She called on the Council to wait to do improvements, pointing out next year the City would have the ability to require development fees and suggested the possibility of taxing the users of roads by the method of toll gates.

Arthur Eckles, 1417 Dalewood Drive, indicated he was pleased to see Resolution 1984-624 that commits the City Council to study each project before it is implemented. He indicated one of his concerns is that many road projects are State or County projects and he feels they should do their fair share to help with these traffic problems. He called on the County and State to raise money needed to put in their share and suggested the possibility of passing another resolution to get this accomplished. He indicated the gas tax is not keeping up with inflation and maybe a raise in gas tax should be considered.

A resident of 1004 West South Street indicated he too is a member of the Raleigh People's Alliance and the statement has been made that we would not have to increase our tax rate to pay for these bonds; however, it is his understanding that the tax rate has already been increased over the next four years to offset the cost of the bonds. He stated, in addition, he understands that some of the local option sales tax has been allocated for road expenses. He stated he has long been against sales tax, particularly, sales tax on food, as he is opposed to taxes that hit the hardest on low income such as food taxes.

Clyde Holt commended the City Council and Administration of the City of Raleigh by being one of the first in getting bikeways and greenways and sponsoring a mass transit system in their city. He indicated he feels that the Raleigh City Council and Administration has done everything it could concerning all elements of transportation. He urged the Council to go ahead and adopt this bond order, pointing out all methods of financing are, and have been, considered.

Steve Stroud, 5604 Winthrop Drive, commended the Council for proceeding along with a program that he feels is absolutely essential for the welfare of Raleigh. He indicated the plan, as presented by the City Council, is a good one, touches on all of the needed areas, etc. He stated he has young children that have to get back and forth to school and improvements of roads in the Raleigh area are essential. He called on the Council to move this project along as soon as possible and expressed appreciation to the Council for the efforts they are spending on his behalf and the behalf of the citizens of Raleigh. He stated this is very needed. No one else asked to be heard, thus the hearing was closed.

Mayor Upchurch indicated this City Council did take a bold step and did adopt a budget which would include funds for road construction. He indicated street construction is part of the City responsibility, explaining City, County, State and Federal funds are utilized in street construction. He indicated there are some projects, however, that are total City responsibility and we have to live up to that responsibility. He stated, possibly, the tax rate is higher than it would have been if it were not for having to construct roads. He explained other sources of funds such as Powell Bill, auto tag fees, sales tax, etc., that go to help pay for roads and philosophy in the State Legislation toward toll gates, etc. Ms. Babb indicated as a member of the City Council, she didn't feel there is anything more important that the Council could do to help manage and cope with the growth problems than to provide adequate road systems. Ms. Block indicated the City of Raleigh has done a great deal to encourage alternate types of transportation such as bike trails, public transit facility, etc. She indicated a lot of our roads are not too crowded except during peak hours. She indicated the bond issue had bothered her somewhat in several

ways, not that she doesn't see the need, but she was concerned about the roads outside the City. She stated, however, the Council will consider each project separately and we are in a catch up type situation. After other discussion, Mr. Congleton moved that the City Council adopt, without change or amendment and direct the Clerk to publish as described by the Local Government Bond Act, the bond order entitled, "Bond Order Authorizing the Issuance of $20 Million Street and Sidewalk Bonds of the City of Raleigh" introduced at the meeting of the City Council held on October 2. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Mr. Walters indicated this item will be on the November 6 ballot and encouraged citizens of Raleigh to look for Lever 21 and vote Yes.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He indicated items marked with one asterisk (*) beside the Certified Recommendation number means that that property is located within a flood prone area. Items marked with two asterisks (**) beside the Certified Recommendation on the Agenda means that that property is located within the Falls Basin. Mr. Keller requested that CR-5290 (S-165-84) be withdrawn. Ms. Babb indicated she would like to be excused from participation in CR-5285 (S-156-84) as her husband is involved in that project. Mr. Congleton requested that CR-5287 (S-159-84) and CR-5292 (PA-253) be withdrawn. Mr. Walters requested that CR-5274 (S-141-84) be withdrawn. Ms. Block requested that CR-5275 (S-142-84), CR-5281 (S-150-84), CR-5282 (S-152-84) and CR-5286 (S-158-84) be withdrawn. Planning Director Chapman indicated that CR-5278 (S-146-84 and PA-154) as well as CR-5293 (PA-255) should be withdrawn from the Consent Agenda as he has corrections to make to the Certified Recommendation. Without objection, those items were withdrawn from the Consent Agenda and Ms. Babb was excused from participation as requested. Mr. Congleton moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

S-143-84 - GLENWOOD WEST SUBDIVISION - APPROVED WITH CONDITION

This was a request for approval to subdivide a 133.3 acre tract which is currently undeveloped and zoned Industrial-I and Office and Institution-I into five lots.

The property is located on the north side of US 70, just east of Pinecrest Drive, outside the City Limits.

CR-5276 from the Planning Commission recommended that this request be approved according to a map entitled, "Glenwood West Subdivision," the property of J. R. Adams, drawn by John A. Edwards and Company, dated August 29, 1984, with the condition that the off-site sanitary sewer easement deeds are obtained and recorded prior to recording any final plats. Consent Agenda Approval: Congleton/ Cates - 8 ayes.

S-145-84 - WAYNERIDGE TOWNHOUSES - APPROVED WITH CONDITION

This was a request for approval to subdivide and construct 17 townhouse units on 2.95 acres which are currently undeveloped and zoned Residential-6.

The property is located on the south side of Wayne Street, just east of Jones Franklin Road, inside the City Limits.

CR-5277 from the Planning Commission recommended that this request be approved according to a map entitled, "Wayneridge Townhouses," the property of Judy Floyd, drawn by Bass, Nixon and Kennedy, dated September 4, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda Approval: Congleton/Cates - 8 ayes.

S-147-84 - OLDE PROVINCE TOWNHOUSES - APPROVED WITH CONDITIONS

This was a request for approval of a 39-unit townhouse project on 3.913 acres which are undeveloped and zoned Residential-10. The project will consist of nine buildings on nine separate lots.

The property is located on the north side of Lynn Road, just east of Bent Creek Drive, inside the City Limits.

CR-5279 from the Planning Commission recommended that this request be approved according to a map entitled, "Olde Province Townhouses," the property of Charlie Bell and Max Barbour, drawn by Envirotek, Incorporated, dated September 21, 1984, with the following conditions: (1) That Lot 7 be increased to a minimum of 21,780 square feet; and (2) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording any plats. Consent Agenda Approval: Congleton/Cates - 8 ayes.

S-149-84 FOX CROFT, LOT 32 - APPROVED

This was a request for approval to subdivide a 2.4 acre tract into two lots, zoned Residential-4. Lot A is developed with a single-family unit.

The property is located on the southeast corner of Long Branch Trail and Castlebrook Drive, outside the City Limits.

CR-5280 from the Planning Commission recommended that this request be approved according to a map entitled, "Fox Croft, Lot 32," the property of Joseph Reichbind, drawn by John Y. Phelps, dated September 4, 1984. Consent Agenda Approval: Congleton/Cates - 8 ayes.

S-153-84 - NORTH FARMS, SECTION III (CLUSTER UNIT DEVELOPMENT) - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 22.05 acre tract which is currently undeveloped and zoned Residential-4 into a 73-lot single-family cluster unit development.

The property is located at the north end of Fox Road, just west of Round Hill Lane, outside the City Limits.

CR-5283 from the Planning Commission recommended that this request be approved according to a map entitled, "North Farms, Section III (Cluster Unit Development)," the property of Westminster Company, drawn by Triangle Engineering Services, Incorporated, dated September 4, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda Approval: Congleton/Cates - 8 ayes.

S-155-84 - POYNER PLACE - APPROVED WITH CONDITION

This was a request for approval to subdivide a 137.3 acre tract which is currently developed as a single-family unit and zoned Office and Institution-I, Office and Institution-III, Residential-10, Residential-6 and Residential-15 into five lots.

The property is located on the west side of Duraleigh Road, south of US 70 West, outside the City Limits.

CR-5284 from the Planning Commission recommended that this request be approved according to a map entitled, "Poyner Place," the property of Harlon Group of North Carolina, drawn by Moore, Gardner and Associates, dated September 4, 1984, with the following conditions: (1) That the off-site sewer easement deed be obtained and recorded prior to recording final plats; and (2) that a detailed flood study be approved by Staff so that the accurate flood hazard areas will be shown on the final plats. Consent Agenda Approval: Congleton/Cates - 8 ayes.

S-156-84 - ONCE WOODS - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 63 acre tract which is currently undeveloped and zoned Industrial-I into 13 lots.

The property is located on the west end of Clearfield Drive, just south of Gresham Lake, outside the City Limits.

CR-5285 from the Planning Commission recommended that this request be approved according to a map entitled, "Once Woods," the property of Broadreach Investments, drawn by Hager, Smith and Huffman, dated September 4, 1984, with the following conditions: (1) That a stormwater management plan be reviewed and approved by the Staff in conformance with the Perry Creek Stormwater Policy being formulated by the City Council; (2) that all associated development fees required in the Perry Creek drainage area policy be paid by the developer; and (3) that the developer obtain all necessary State permits for the private treatment plant prior to recording any final plats. Consent Agenda Approval: Congleton/Cates - 7 ayes (Ms. Babb excused during vote on the Consent Agenda).

S-161-84 AND PA-258 - OAK PARK TOWNES III - APPROVED

This was a request for approval of a subdivision and site plan for a 5,560 square foot office complex consisting of one building on .46 acre which is currently undeveloped and zoned Office and Institution-I.

The property is located on the east side of Oak Park Road, adjacent to St. Giles Street, inside the City Limits.

CR-5288 from the Planning Commission recommended that this request be approved according to a map entitled, "Oak Park Townes III," the property of David R. Williams, drawn by William R. Wakeham, dated August 31, 1984. Consent Agenda Approval: Congleton/Cates - 8 ayes.

S-164-84 - HOUSE PROPERTY (A CLUSTER UNIT DEVELOPMENT) - APPROVED WITH CONDITIONS

This was a request for approval for a 79-unit single-family lot subdivision on 32 acres which are undeveloped and zoned Residential-4. The project will be developed as a cluster unit development.

The property is located at the west end of Sprague Road, just west of Whitley Drive, outside the City Limits.

CR-5289 from the Planning Commission recommended that this request be approved according to a map entitled, "House Property (A Cluster Unit Development)," the property of Cities Development Company of Raleigh, drawn by John A. Edwards and Company, dated September 4, 1984, with the following conditions: (1) That the off-site sewer easement deeds be obtained and recorded prior to recording the final plats; and (2) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording final plats. Consent Agenda Approval: Congleton/Cates - 8 ayes.

PA-252 - DAIL ENTERPRISES (HARDEE'S) - APPROVED WITH CONDITION

This was a request for approval to construct a 3,240 square foot restaurant on a .69 acre tract, zoned Neighborhood Business and Office and Institution-II. The Office and Institution-II portion is developed with a residential unit which will be removed.

The property is located at the southwest corner of Hillsborough Street and Friendly Drive, inside the City Limits.

CR-5291 from the Planning Commission recommended that this request be approved according to a map entitled, "Dail Enterprises (Hardee's)," the property of Dail Enterprises, drawn by Bass, Nixon and Kennedy, dated September 20, 1984, with the condition that the site be recombined into one lot prior to issuance of a building permit. Consent Agenda Approval: Congleton/Cates - 8 ayes.

PA-262 - HOLSTON LANE PROPERTY - APPROVED

This was a request for approval to construct 236 residential units consisting of 53 buildings on 60 lots, on 18.53 acres which are currently undeveloped and zoned Office and Institution-I.

The property is located on the south side of Holston Lane, just east of Sunnybrook Drive, inside the City Limits.

CR-5294 from the Planning Commission recommended that this request be approved according to a map entitled, "Holston Lane Property," the property of Regency Residential, drawn by Billups and Associates, dated September 21, 1984. Consent Agenda Approval: Congleton/Cates - 8 ayes.

SC-258 - GOLDEN CORRAL ADDITIONS - APPROVED

This was a request for approval for a 708 square foot addition on an existing 4,617 square foot restaurant (total square feet = 5,325) on a 0.92 acre parcel, zoned Shopping Center.

The property is located on the east side of Falls of Neuse Road, just south of Spring Forest Road, inside the City Limits.

CR-5295 from the Planning Commission recommended that this request be approved according to a map entitled, "Golden Corral Additions," the property of Golden Corral Corporation, drawn by Tolson Associates, dated August 13, 1984. Consent Agenda Approval: Congleton/ Cates: 8 ayes.

SC-260 - OH! BRIAN'S ADDITIONS - APPROVED WITH CONDITIONS

This was a request for approval to add an 812 square foot addition to an existing restaurant (for a total of 6,406 square feet) on a 1.13 acre tract, zoned Shopping Center.

The property is located on the south side of Glenwood Avenue, just east of Fairhill Road, inside the City Limits.

CR-5296 from the Planning Commission recommended that this request be approved according to a map entitled, "Oh! Brian's Additions," the property of G. C. Development Corporation, drawn by Tolson Associates, dated September 27, 1984, with the condition that a detailed landscaping plan be approved by the Staff prior to issuing a building permit. Consent Agenda Approval: Congleton/Cates - 8 ayes.

REZONING Z-78-84 - FAIRALL DRIVE - DENIED

This was a request for approval to rezone approximately 14,000 square feet from Residential-6 to Residential-10.

CR-5298 from the Planning Commission recommended that Z-78-84 be denied. Consent Agenda Approval: Congleton/Cates - 8 ayes.

REZONING Z-126-84 - WESTERN BOULEVARD - DENIED

This was a request for approval to rezone approximately 2.6 acres from Residential-10 to Neighborhood Business.

CR-5301 from the Planning Commission recommended that Z-126-84 be denied. Consent Agenda Approval: Congleton/Cates - 8 ayes.

END OF THE PLANNING COMMISSION CONSENT AGENDA

S-141-84 - J. W. YORK PROPERTY - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide 29.88 acres which are undeveloped and zoned Industrial-II into seven lots.

The property is located on the south side of Yonkers Road, at the intersection of Yonkers Road and US 1-64, inside the City Limits.

CR-5274 from the Planning Commission recommended that this request be approved according to a map entitled, "J. W. York Property," the property of J. W. York, drawn by John A. Edwards, dated September 4, 1984, with the condition that the City's Collector Street Plan be amended and that no occupancy permits be issued until that amendment is adopted. It is further recommended that the Collector Street Plan be amended by eliminating Yonkers Road as a collector street between US 1 North and US 64 East and that it be identified as a marginal access road, and that a public hearing be scheduled on November 20, 1984, for that purpose.

Planning Director Chapman explained the location and the Planning Commission's recommendation. Commission member Perry Safran explained the Planning Commission's deliberation. Mr. Walters indicated as far as amending the Collector Street Plan by eliminating Yonkers Road, he has some concern. He pointed out when we extend Raleigh Boulevard, it will be a four lane thoroughfare coming into Yonkers Road and using that to get to US 1 and other thoroughfares. He stated he would just like to look at this a little bit further and moved that S-141-84 be referred to Public Works Committee. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

S-142-84 - MILNER INN PROPERTY - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 3.35 acre tract into three lots, zoned Industrial-II. Lot 1 is developed as a motel and night club.

The property is located between US 1 and west of Fenton Street, inside the City Limits.

CR-5275 from the Planning Commission recommended that this request be approved according to a map entitled, "Milner Inn Property," the property of E. R. Milner, drawn by John A. Edwards and Company, dated August 20, 1984.

Planning Director Chapman explained the request. Ms. Block expressed concern, pointing out this area floods any time we have a bad rain and questioned if this is not the area that a lot of fill has taken place. Planning Director Chapman indicated the existing structure does flood, but there are existing buildings and this is a subdivision of the property. The structures already exist. Ms. Block questioned when something comes in for approval, isn't there some way something could be done to alleviate existing problems. Mr. Safran indicated the Planning Commission recommended approval since the structures are existing. Discussion took place on the exact location, the fact that the buildings are existing and no further buildings are planned, after which, Ms. Block moved that S-142-84 be referred to Public Works Committee. Her motion was seconded by Ms. Cates. Mr. Walters pointed out he feels the flood way in this area should be examined indicating when we have a ten year flood, the flooding goes all the way out to US 1. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

S-146-84 AND PA-254 - GEORGETOWN OFFICE CONDOMINIUMS - APPROVED AS AMENDED AND WITH CONDITION

This was a request for approval to subdivide and receive site plan approval for a 36,800 square foot office condominium project consisting of five buildings on a 2.83 acre parcel which is currently undeveloped and zoned Office and Institution-III.

The property is located on the east side of Six Forks Road, just south of Westbrook Drive, inside the City Limits.

CR-5278 from the Planning Commission recommended that this request be approved according to a map entitled, "Georgetown Office Condominiums," the property of JAG, Incorporated, drawn by Envirotek, Incorporated, dated September 25, 1984, with the condition that a detailed landscaping plan be approved by the Staff prior to issuance of a building permit.

Planning Director Chapman indicated the figure "36,800" should be changed to 40,000 and other than that, the Certified Recommendation stands as outlined in the Agenda. Mr. Walters moved the Planning Commission's recommendation be upheld with the correction outlined relative to the square footage. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

S-150-84 - NORTHFIELD SQUARE - APPROVED

This was a request for approval to subdivide a 1.63 acre tract into five single-family lots. The property is undeveloped and zoned Residential-4.

The property is located on the west end of Northfield Drive, just east of Six Forks Road, inside the City Limits.

CR-5281 from the Planning Commission recommended that this request be approved according to a map entitled, "Northfield Square," the property of Shirley-Merritt-Collins, drawn by LaMarr Bunn and Associates, dated September 18, 1984.

Ms. Block indicated she had pulled this from the Consent Agenda questioning the length of the cul-de-sac. LaMarr Bunn indicated this is a piece of leftover property at the north end of Northfield Drive. There is no other outlet and this is just put in a cul-de-sac on the end of the existing street. Discussion took place on the length of the cul-de-sac with Mr. Chapman indicating the cul-de-sac, including the bubble at the end of the street, would be 720 feet, which is within requirements. Ms. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

S-152-84 - HAWTHORN SUBDIVISION - APPROVED

This was a request for approval to subdivide, dedicate, and construct a cul-de-sac bubble on the end of Bramer Drive on a 5.92 acre parcel which is undeveloped and zoned Industrial-I.

The property is located on the northwest side of Atlantic Avenue and south of Bramer Drive, inside the City Limits.

CR-5282 from the Planning Commission recommended that this request be approved according to a map entitled, "Hawthorn Subdivision," the property of Hawthorn Associates, drawn by Hager, Smith, and Huffman, dated October 2, 1984.

Ms. Block indicated she pulled this item from the Consent Agenda as she had questions about the length of the cul-de-sac. Mr. Chapman explained the length of the cul-de-sac pointing out this is a single lot which has a street currently extending to the property, and the cul-de-sac would be on the end of the stubbed street. Ms. Block questioned if the street would be wider to accommodate fire trucks, etc., with Planning Director Chapman indicating the adequacy of the turn around would be the key. He pointed out this property also faces onto Atlantic Avenue. Ms. Block questioned if access could be provided to the property from Atlantic Avenue with Planning Director Chapman indicating he did not see why, but this is a subdivision and does not address that question. Ms. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

S-158-84 - DUNBARTON POINTE CONDOMINIUMS - REFERRED BACK TO THE PLANNING COMMISSION

This was a request for approval of 82 residential condominium units consisting of eight buildings on 13.68 acres which are undeveloped and zoned Residential-6.

The property is located at the south end of The Pointe just south of Sawmill Road, outside the City Limits.

CR-5286 from the Planning Commission recommended that this request be approved according to a map entitled, "Dunbarton Pointe Condominiums," the property of Gullege Building Company, drawn by Jerry Turner and Associates, dated September 24, 1984 and that the request for a variance to the maximum length of a cul-de-sac be granted.

Ms. Block indicated she had requested that this item be withdrawn from the Consent Agenda, pointing out she had concerns about the cul-de-sacs in the proposed subdivision. She stated, in her opinion, cul-de-sacs are not a safe way to run a city and she feels that any subdivision plans should devise a way to connect roads in the future. Ms. Cates indicated this is in the area of Lake Lynn and it would appear that some variance should be considered because we do not want all of the impervious surfaces in that area. Discussion took place on the need for the cul-de-sac, the undeveloped adjoining land and whether the plan should accommodate the possibility of connecting streets, etc. After other discussion by general consensus, S-158-84 was referred back to the Planning Commission to address the cul-de-sac problem.

S-159-84 - FESTIVAL AT SIX FORKS - APPROVED

This was a request for approval to subdivide 9.58 acres zoned Shopping Center and Residential-4 into four lots (three outparcels and one large parcel). Tract 1 is developed as a shopping center. Tracts 2 and 3 are vacant and Tract 4 is a bank.

The property is located at the southwest corner of Six Forks Road and Sawmill Road, inside the City Limits.

CR-5287 from the Planning Commission recommended that this request be approved according to a map entitled, "Festival at Six Forks," the property of Capital Development 1, drawn by C. Robert Shields, dated August 30, 1984.

Planning Director Chapman explained the subdivision request and the Planning Commission's recommendation. Mr. Congleton indicated he requested that the item be withdrawn from the Consent Agenda, pointing out he just needed it explained to him as to how we subdivide the Residential-4 land. Planning Director Chapman indicated this is a subdivision of property into four parcels, one of which is zoned Residential-4 and there would be no further subdivision of the Residential-4 property. It just separates it from the other three parcels. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

S-165-84 - LOT 189 - BOYLAN HEIGHTS - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to subdivide a .21 acre parcel into two lots, zoned Residential-10. The site is currently developed with two single-family homes.

The property is located on the northwest corner of Boylan Avenue and South Street, inside the City Limits.

CR-5290 from the Planning Commission recommended that this request be denied according to a map entitled, "Lot 189, Boylan Heights," the property of Genvieve W. Chappell, drawn by John Y. Phelps, dated October 24, 1984.

Planning Director Chapman explained the Planning Commission's recommendation pointing out this is a nonconforming property and the subdivision would make it further complicated. Commission member Safran indicated the Planning Commission did not feel they should further complicate this nonconformity and the applicant has the option of submitting this proposal as a condominium project which would allow each structure to be sold separately without actually subdividing and complicating the problem. Mr. Keller indicated he was in agreement with the Planning Commission as he feels that the condominium suggestion is a viable alternative. He questioned if there was anything the Council could do to expedite this occurring. Mrs. Block indicated she, too, agreed with the Planning Commission but maybe the Council should hold this in Committee while the applicant has time to get her surveyor out and work on the condominium project aspect to solve the problem. She stated this is a very difficult decision for the Council to make because of the unusual circumstances involved. Mr. Safran indicated the applicant is in the process of meeting the condominium association requirements, etc. Mrs. Cates moved that this matter be referred to Law and Finance Committee. Her motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-253 - LA PETITE ACADEMY - APPROVED

This was a request for approval to construct a 5,118 square foot day-care center on a 1.1 acre lot which is currently undeveloped and zoned Office and Institution-III.

The property is located at the southeast corner of Falls of Neuse Road and Rainwood Lane, inside the City Limits.

CR-5292 from the Planning Commission recommended that this request be approved according to a map entitled, "La Petite Academy," the property of La Petite Academy, Incorporated, drawn by Bass, Nixon and Kennedy, dated August 30, 1984.

Planning Director Chapman explained the plan in the Planning Commission's recommendation. Mr. Congleton questioned if the Planning Commission felt that proper screening is being provided. Planning Director Chapman indicated the proposed screening does meet the requirements that they presented an extensive landscaping plan, fencing around the play area, etc. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-255 - DOCTOR URGENT CARE CENTER - DOCTOR'S URGENT CARE CENTER - APPROVED AS AMENDED

This was a request for approval to construct a 15,440 square foot office building on 1.63 acres which are currently undeveloped and zoned Office and Institution-III.

The property is located at the southwest corner of New Bern Avenue and Luther Road, inside the City Limits.

CR-5293 from the Planning Commission recommended that this request be approved according to a map entitled, "Doctor Urgent Care Center," the property of North Raleigh Properties, drawn by Envirotek, Incorporated, dated September 21, 1984.

Planning Director Chapman indicated he had requested that this item be withdrawn from the Consent Agenda as the Agenda indicated the property is zoned Office and Institution-III. He stated the property is actually zoned Office and Institution-II. Mr. Congleton moved the Planning Commission's recommendation with the amendment presented by Mr. Chapman be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-56-84 - CREEDMOOR ROAD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 25 acres from Residential-4 to Residential-15.

CR-5297 from the Planning Commission recommended that Z-56-84 be approved as amended; that is, that the property contained in Z-56-84 be rezoned to Residential-10 with 20 feet of Conservation/Buffer along Creedmoor Road and 75 feet of Residential-4 along the northern boundary.

Planning Director Chapman explained the request in the Planning Commission recommendation. Commission member Safran indicated this case involved a lot of time, discussion and debate in a subcommittee and explained the deliberation in the subcommittee. Mr. Walters indicated because of the pending bond referendum and road work needed in the area, he has concern about this and he would like for it to be studied further and would move that Rezoning Z-56-84 be referred to the Comprehensive Planning Committee. His motion was seconded by Mr. Calloway. Mrs. Cates indicated she was at the Planning Commission when they reported on this case. She pointed out there is some indecision as the three members of the subcommittee came back with three different recommendations. She indicated it was discussed in detail but she feels that there is a lot of factors about this case that need to be looked at including the fact that the City must protect the Residential-4 neighborhoods and she is not sure that high density residential is protecting the neighborhoods. Mrs. Block asked the Comprehensive Planning Committee to consider the possibility of rezoning the entire piece of property to Residential-6 with a Conservation/Buffer across the front to control access and to allow transfer of density. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

Z-111-84 - CREEDMOOR ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 27 acres from Residential-4 to Office and Institution-III.

CR-5299 from the Planning Commission recommended that Z-111-84 be approved as requested.

Planning Director Chapman explained the request and the recommendation of the Planning Commission. He also explained discussions in the Planning Commission on this case. Mr. Walters indicated he had studied this case in great detail and knows that the property is located between two churches. He stated, however, no residences are allowed in Office and Institution-III, therefore, he would move the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway. Ms. Block indicated when you zone something O&I, you have to look at how much O&I is already in the area and she feels that Creedmoor Road is fast approaching Falls of Neuse Road. She pointed out every time we zone Office and Institution property in the suburban areas, we are taking away from office use in the downtown area. Mayor Upchurch indicated he did not see a demonstrated need for Office and Institution in this area at this time and he is against the plan as requested. Mr. Walters pointed out O&I-III was designed as a transition zone. He stated there will be some increase in traffic with the proposal but it would not be a peak hours. Mr. Congleton agreed with the concerns on Creedmoor Road and pointed out this does involve 27 acres. He stated he is a member of one of the adjacent churches and there are traffic problems and concerns. He stated he feels this would good if this case went to Law and Finance Committee to answer some of the questions about the area. He moved that Rezoning Z-111-84 be referred to Law and Finance Committee. His motion was seconded by Ms. Babb. Ms. Block pointed out the North CAC did support this but there was only 19 people and we received a petition of opposition from over 100 people across the road. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-124-84 AND TC-273 - BOYLAN HEIGHTS AREA - APPROVED CONDITIONALLY

This was a request for approval to amend Section 10-2049, "Historic District Regulations," subsection (b) by adding "Boylan Heights" to the list of historic districts; and approval to rezone approximately 68 acres to the Historic District Overlay District.

CR-5300 from the Planning Commission recommended that TC-273 be approved as presented and that Z-124-84 be approved as requested.

Planning Director Chapman explained the text change and the rezoning. Commission member Safran explained the Planning Commission's recommendation. Planning Director Chapman pointed out that the staff would like to have an opportunity to consider the boundaries of the rezoning and text change to ensure that they are consistent with the National Registry boundaries before the final map amendment is approved. Mrs. Block moved approval of the text change and rezoning contingent upon the maps being consistent with the description approved by the National Registry. Her motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 431 TC 225

AN ORDINANCE TO ESTABLISH THE BOYLAN HEIGHTS HISTORIC DISTRICT.

WHEREAS, Part 3A, Article 19 of Chapter 160A of the General Statutes authorizes the City of Raleigh to establish historic districts; and

WHEREAS, the Raleigh Historic Districts Commission and Raleigh City Council have enacted rules of procedure and principles and guidelines for Raleigh historic districts; and

WHEREAS, an investigation and report describing the boundaries of the Boylan Heights Historic District and describing the significance of buildings, structures, features, and sites included in this district has been prepared; and

WHEREAS, the Department of Cultural Resources has reviewed the report all in accordance with N.C.G.S. 160A-395(2); and

WHEREAS, the establishment of the Oakwood Historic District has increased property values, encouraged revitalization in that area and the Raleigh City Council finds that the establishment of this historic district can achieve the same results in Boylan Heights; and

WHEREAS, the establishment of the Oakwood Historic District has proven that residential homes can be renovated, repaired, constructed, enlarged, moved and altered in conformity with adopted rules of procedures and guidelines.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. The first sentence of Section 10-2049(b) of the Raleigh City Code is hereby amended to delete the word "and" appearing between the words "Blount" and "Capitol" and to insert immediately after the word "square" the following language: , "and Boylan Heights."

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following a public hearing and a recommendation thereon from the Raleigh Planning Commission and Historic Districts Commission.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 6. This ordinance shall become effective November 21, 1984.

Adopted: 10/16/84

Effective: 11/21/84

ORDINANCE NO. (1984) 432 ZC 148

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Boylan Heights, an area of some 68 acres, bordered generally by Rocky Branch on the south, Mountford Street and Dupont Drive on the north, Florence Street and Kinsey Street on the east and the Norfolk and Southern Railroad on the west, rezoned to Historic District Overlay District, according to a map entitled "Boylan Heights Historic District Boundaries, adopted October 16, 1984," on file in the City of Raleigh Planning Department. (Z-124-84)

Section 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective November 21, 1984.

Adopted: 10/16/84

Effective: 11/21/84

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

ENCROACHMENT - ST. JOSEPH'S CATHOLIC CHURCH SIGN - REMOVED FROM THE AGENDA

Chairman Keller reported the Law and Finance Committee recommends that this item be removed from the Agenda, reporting that the sign has been erected off the City right-of-way; therefore, no action is needed. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-88-84 - WAKE FOREST ROAD - DENIED

The Law and Finance Committee recommends that this request for rezoning be denied. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TEXT CHANGE - PRIVATE FENCES - PUBLIC HEARING AUTHORIZED

Mr. Keller indicated Council Members received in their Agenda packet information on a proposed text change relative to private fences and walls. On behalf of the Committee, he moved that the proposed text change be advertised for public hearing in November. His motion was seconded by Mr. Congleton. Mr. Keller indicated that Zoning Inspector Watkins had assured the Committee that this would take care of some 90% of the requests relating to fences that come before the Board of Adjustment. City Attorney McCormick indicated the information Council Members received had a section relating to new driveways. He indicated after discussing this further, Administration, and he agrees, feels that the section relative to new driveways should be deleted from the proposed text change. Mr. Keller and Mr. Congleton amended their motion to reflect that the hearing would be on the changes relative to private fences and the motion, as amended, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

UNSAFE BUILDING - 516 NORTH PERSON STREET - EFFECTIVE DATE DELAYED UNTIL OCTOBER 26

Mr. Keller indicated the Committee did discuss this item and had a recommendation. However, with the consensus of the Committee, he would like to make a different recommendation. Mr. Keller moved that Ordinance No. 1984-402 be amended to show an effective date of October 26, 1984. He indicated this would give another 10 days on this property pointing out if the sale has not been completed by that time, the Ordinance would go in effect and the house demolished. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-433

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 516 NORTH PERSON STREET IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Gladys Perry	516 North Person Street

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective October 26, 1984.

Adopted: 10/16/84

Effective: 10/26/84

COMMITTEES, COMMISSIONS AND BOARDS

ARTS COMMISSION - DEFERRED UNTIL NOVEMBER 6 MEETING

The City Clerk reported one vacancy due to the resignation of Jay Eaker. Nominations include Trish Kaasa, Fran Ashford and Nancy N. Lambert. Nominations have not been closed. Ms. Babb moved that nominations to the Arts Commission be closed. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Kaasa - 2 (Babb, Congleton); Ashford - 3 (Calloway, Cates, Block); Lambert - 3 (Keller, Upchurch, Walters). Since no nominee received 5 votes, a second ballot vote was taken with results as follows: Kaasa - 2 (Congleton, Babb); Ashford - 2 (Cates, Calloway); Lambert - 4 (Keller, Upchurch, Walters, Block).

Since no member received 5 votes, it was agreed to carry this item over until the November 6 meeting.

YOUTH COUNCIL ADVISORY BOARD - PATTY WATSON APPOINTED

The City Clerk reported one vacancy due to the resignation of Betty Jo Kendall. Patty Watson has been nominated and nominations have not been closed. There being no further nominations, Mrs. Cates moved that nominations to the Youth Council Advisory Board be closed and Ms. Watson elected by acclamation. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor announced the appointment of Patty Watson to a two-year term on the Youth Council Advisory Board.

PARKS AND RECREATION ADVISORY BOARD - NOMINATIONS MADE

The Clerk reported the terms of Carole Sawicki and James M. Tanner expire November 16. Both have been nominated for reappointment and nominations have not been closed. Mr. Walters nominated Dot Smith of King Charles Road. No further action was taken.

DOWNTOWN ADVISORY COMMITTEE - PAM MICHAELS APPOINTED

The City Clerk reported one vacancy due to the resignation of Bernie Reeves. Nominations include Joseph Edwards and Pam Michaels. Nominations have not been closed. There being no further nominations, Mr. Keller moved that nominations be closed. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Edwards - 4 (Block, Walters, Upchurch, Keller); Michaels - 4 (Cates, Calloway, Babb, Congleton). Since no member received 5 votes, a second ballot vote was taken which resulted as follows: Michaels - 5 (Cates, Calloway, Block, Congleton, Babb); Edwards - 3 (Upchurch, Keller, Walters). The Mayor announced the appointment of Pam Michaels to a two-year term on the Downtown Advisory Committee.

GREENWAY COMMISSION - NOMINATIONS MADE

The City Clerk indicated the Youth Council representative, Elizabeth Thompson, has graduated from high school and is out of town at college. Therefore, that position is vacant. The Youth Council recommends that Susan Wilson be appointed to the Greenway Commission. No nominations have been made. Mayor Upchurch nominated Susan Wilson. Brief discussion took place as to whether nominations should be closed and Ms. Wilson appointed by acclamation. Mrs. Block pointed out she planned to vote for Ms. Wilson, however, we do have procedures. Therefore, no further action was taken.

ELECTRICAL EXAMINING BOARD - ADMINISTRATION TO GIVE RECOMMENDATION

The City Clerk reported the term of Dallie W. (Buddy) Jordan expires December 9, 1984. He will have served six years and one week. No nominations have been made. Administration was asked to give recommendations since this is a technical advisory type board.

HOUSING AUTHORITY - NOMINATIONS MADE

The City Clerk reported the terms of Dr. Robert E. Fields, Jr., Barbara Bullard Page and Dr. James H. Colsom expire December 9. All are eligible for reappointment and have excellent attendance records. Ms. Babb nominated Barbara Bullard Page. Mr. Calloway nominated Dr. Colsom. Ms. Babb nominated Dr. Fields. No further action was taken.

HISTORIC PROPERTIES AND DISTRICTS COMMISSION - NOMINATIONS MADE

The City Clerk indicated one vacancy on the Historic Properties and Historic Districts Commission due to the resignation of Julius Nimmons. The City Clerk indicated in order to be a member of the Historic Districts Commission, a person must first be a member of the Historic Properties Commission. The Clerk also explained that earlier in the meeting the Council took action relative to the Boylan Heights Historic District. Therefore, according to procedure, there must be someone on the Historic Districts Commission who lives in that area. The Clerk explained the only person presently serving on the Historic Properties Commission that lives in the Boylan Heights area is Mrs. John Jadwick. She explained the Council could handle this situation in several ways. One is appoint Mrs. Jadwick to the Historic Districts Commission which would leave one vacancy on the Historic Properties Commission only. It was agreed to handle this appointment in this manner. Therefore, Mr. Walters nominated Mrs. John Jadwick to the vacancy on the Historic Districts Commission. Mr. Keller nominated Dean A. Ruederich to the Historic Properties Commission. No further action was taken.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

TRAFFIC - SCHOOL SPEED ZONE ON LYNN ROAD - EXTENDED; POLICE ASKED TO INCREASE SURVEILLANCE IN THIS AREA; ITEM RETAINED IN COMMITTEE

Mrs. Block reported the Public Works Committee recommends that the 35 mph school zone be extended an additional 1,700 feet down Lynn Road to Valley Estates Drive. The Committee further recommends that police surveillance of this area be increased between 7:30 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m., school days. This item is being held in committee for further study. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 428.

SUBDIVISION S-135-84 - OLIVER MANOR - APPROVED

Chairperson Block reported the Public Work Committee recommends approval of this subdivision according to a map entitled, "Oliver Manor," the property of Steve Johnson, drawn by J. Fred Davis, Inc., dated September 18, 1984. She briefly explained the subdivision. On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PUBLIC NUISANCE - 317 ROSELLE COURT - ORDINANCE ADOPTED

Chairperson Block reported the Public Works Committee recommends that enforcement proceed with the property owner being required to cut the growth to comply with City regulations and that an ordinance declaring this property to be a public nuisance be adopted which would be effective upon adoption. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Mrs. Block indicated all Council Members received a letter from the property owner involved indicating he would like to have an opportunity to clean up the area by getting rid of the grass, weeds, trash, etc. She stated, however, he has had that opportunity. Discussion took place with Mr. Keller questioning what type lespedeza we are talking about pointing out there is some types that can be cut regularly and there are others that if cut all you have is a woody plant. Mrs. Block questioned if anyone has been to the area and cut any of the weeds and grass out of the lespedeza with Assistant City Manager Carter indicating not at the last checking. Ms. Babb indicated this is probably one of those cases where we need to let common sense prevail. She indicated she grew up on a farm so she is familiar with lespedeza and the different types of lespedeza. She indicated it is a good plant for noise and trash buffer. She indicated she saw no problem with leaving lespedeza there as long as the owner gets the weeds and grass out. She indicated she can understand why the owner did not go out and clean and weed it if he thought the City might require him to cut it all down. Lengthy discussion took place with various Council Members voicing their opinion as to whether it is a buffer, a ground cover, a public nuisance or what. Discussion also took place on the different types of lespedeza with Mr. Calloway pointing out he had looked at the area and it is full of foreign matter and it is not very attractive. He stated there is as much trash, weeds, and grass as there is lespedeza. Mrs. Cates indicated we do have a mediation court and maybe this should be taken that route. She indicated there are a lot of weeds throughout the City and many of the streets including State System streets have lespedeza growing and the State and probably the City is in violation of the ordinance. The motion as stated was put to a vote and passed with Ms. Babb voting in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 434

AN ORDINANCE TO DECLARE CERTAIN PROPERTY A PUBLIC NUISANCE

WHEREAS, the Department of Inspections of the City of Raleigh has inspected the property at 317 Roselle Court, more particularly described as Lot 80, Map 526 of the Wake County Tax Office; and

WHEREAS, said Department of Inspections has found such property to constitute a public nuisance under Section 12-6002; and

WHEREAS, the owners of said property have appealed the findings of the Department of Inspections to the City Council under the provisions of Section 12-6003 of the City Code; and

WHEREAS, the City Council, after hearing all interested persons and reviewing the findings of the Department of Inspections has determined that the findings of the Department of Inspections are correct and proper and wish to adopt an ordinance specifically declaring the condition existing on the property to be a danger to the health, safety, morals and general welfare of the inhabitants of the City and a public nuisance and directing the Department of Inspections to cause said conditions to be abated.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the property located at 317 Roselle Court, as specifically described above, is hereby declared to be a public nuisance by virtue of the conditions described above. Said property is also declared to be, for the same reasons, a danger and hazard to the health, safety, morals and general welfare of the inhabitants of the City.

Section 2. The Department of Inspections of the City of Raleigh is hereby directed to cause said conditions to be abated and the cost of said abatement to be assessed as a lien against the property.

Section 3. That this ordinance shall become effective upon the date of adoption.

Section 4. All ordinances and portions thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Adopted: October 16, 1984

Effective: October 16, 1984

REPORT AND RECOMMENDATION OF THE ARTS COMMISSION

ARTS COMMISSION - RESIDENCY REQUIREMENT OF MEMBERS - NO CHANGE MADE; LENGTH OF TERM FOR MEMBERS - ORDINANCE ADOPTED

Fred Parker, representing the Arts Commission was at the meeting indicating the Arts Commission is requesting an amendment to the ordinance creating the Arts Commission which would allow a member of the Commission to complete the current term if he or she moves out of the City of Raleigh and continues to live in Wake County. He presented a proposed ordinance change to accomplish this purpose. Mayor Upchurch explained the procedure on residency requirements pointing out there is nothing that would stop a person from continuing to come and be active on a Commission even though they could not be a voting member. Mr. Parker explained the present Chairperson, Waltye Rasulala has only a few months left on her term and very shortly she will be moving to Cary. She stated the purpose of the ordinance is to allow her to continue to serve the remainder of the term. He indicated the Arts commission is not suggesting that a person be allowed to be reappointed under these circumstances. Mr. Walters indicated he was sorry Mr. Parker had mentioned the name as he thought we were working on a policy. Lengthy discussion took place on the request, with Mr. Calloway pointing out in the view of the fact that the Chairman came and made this request and there is only a short time remaining that maybe the Council could consider this on a case-by-case basis. Mr. Congleton indicated he feels that we would be setting a dangerous precedent. He stated he saw nothing wrong with the person continuing to be active at meetings and have input but he did not feel that we should change the ordinance to allow a person who moves out of the City to continue to be a voting member. Mr. Keller indicated he did not like to make exceptions to rules and policies, therefore, he would move that the request be denied. His motion was seconded by Ms. Block and put to a vote which resulted in all members voting in the affirmative except Mr. Calloway who voted in the negative. The Mayor ruled the motion adopted.

Mrs. Block pointed out that if a person has to resign or their term expires on a Committee, they do continue to serve until they are replaced. Mr. Walters commended the Arts Commission for bringing this to the Council's attention pointing out many times a person would move and the Council would never be notified of the fact.

City Attorney McCormick indicated in discussing this item with the Arts Commission, it had come to his attention that the ordinance creating the Arts Commission limited service by one person on the Commission to two consecutive terms. He suggested that this ordinance be amended to make it consistent with the general policy on length of service which is 8 years in a life time. Mr. Walters moved that Ordinance No. 1977-578 - the ordinance creating the Raleigh Arts Commission - be amended to be consistent with the general policy on length of service of a member. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-435

AN ORDINANCE TO AMEND ORDINANCE NO. 1977-578

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 2 of Ordinance 1977-578 be repealed in its entirety and rewritten to read as follows:

"The Commission created herein shall consist of sixteen persons to be appointed by the City Council. Members shall reside in the City of Raleigh. No organization which is a potential recipient of City Arts funding shall have on the Commission more than one person who serves on its Board or staff."

Section 2. That no other portion of Ordinance No. 1977-578 shall be affected by this amendment.

Adopted: 10/16/84

Effective: 10/16/84

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

UNIVERSITY LAND USE UPDATE - INFORMATION RECEIVED

Ms. Babb pointed out the Comprehensive Planning Committee received Administration's comments relative to comments received from the Advisory Group and the CACs in the area. She stated the Committee is holding the University Land Use Update for further study and it is her hope that this could be sent to public hearing very shortly. The item was received as information.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

MARKET PLAZA PROJECT - LOAN SUBORDINATED TO A THIRD POSITION

Mayor Upchurch indicated the City is currently involved with the Market Plaza Project through the Loan Pool and through a direct $40,000 loan. He explained the developer has requested that this loan be subordinated to a third position behind the loans from private lending institutions. The Downtown Committee recommends that the City loan be subordinated as requested. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

HOUSING AUTHORITY - FAIR MARKET DISPOSITION AND CONDEMNATION RESOLUTIONS - ADOPTED; CITY SURPLUS PROPERTY - OFFERED FOR SALE

Mr. Walters presented the following recommendations of the Real Estate Committee:

1. That the recommendations as presented by the Housing Authority be approved as follows:

   I. The fair market disposition values on these properties:

      A. 807 E. Martin Street & Lot #1 (Bladen Street) $5,550.00
      B. 523 E. Davie Street $5,400.00

   II. The condemnation resolutions to establish values on:

      A. 412 E. Morgan Street $68,700.00 (Council approved)
      B. 405 S. Haywood Street $15,900.00 (Council approved)

2. That the following City owned surplus properties be offered for sale:

   A. Approximately 3,240 sq. feet in the 1500 block of Battery Drive for a minimum bid of $500.00

   B. Approximately 5,500 sq. feet in the 2200 block of Alexander Road for a minimum bid of $1,500.00

On behalf of the Real Estate Committee, Mr. Walters moved that the recommendations be upheld as outlined. His motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

BUSINESS AND TECHNOLOGY CENTER - ESTABLISHMENT - HELD IN COMMITTEE

Mr. Calloway indicated, with the consent of other Committee members, he would like to hold the item relating to the establishment of Business and Technology Center in the Intergovernmental Liaison Committee. He pointed out the Chamber of Commerce has indicated that they possibly want to raise the required $50,000. He stated he would like to hold the item in Committee for further discussion and contact with the Chamber of Commerce. Without objection, the item was held.

CAMP DURANT - FUNDING EDUCATIONAL CENTER - STUDENT CHARGE ESTABLISHED

Mr. Calloway indicated the Intergovernmental Liaison Committee recommends that the charge per student for the Residential Outdoor Education Program be $8 per student beginning with the spring 1985 program. It is further recommended that Administration advise the Wake County School Administration of this change in fees. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

POPULATION AND HOUSING REPORT - ANNUAL ESTIMATE - INFORMATION RECEIVED

The Planning staff has recently completed its annual estimate of population and housing units for the City of Raleigh. This report contains estimates through July 1, 1984. Population and housing unit estimates are given for the City as a whole and for each census tract, or part thereof, in the City.

Planning Director Chapman went over the highlights of the population estimates dated July 1, 1984. Council Members received a copy of the information in their Agenda packet. The presentation was received as information.

LAKE DAM ROAD IMPROVEMENTS - AGREEMENTS AUTHORIZED - BUDGET AMENDMENT APPROVED

Agreements have been negotiated for the construction to State standards of Lake Dam Road from Avent Ferry Road to I-40. The total project cost of $123,472.04 will be shared by the Calibre Company, Linpro Development Company, and the State of North Carolina. The Calibre Company will advertise for bids and contract for construction according to City requirements. The City will administer the contract. Copies of agreements with the Calibre Company and the State of North Carolina are included in the Agenda packet.

Recommendation: It is recommended that the agreements with the Calibre Company of North Carolina, Inc., and with the State of North Carolina be approved and that the following budget amendment be authorized:

Increase Revenue Account		
32-1-0070-0200	Miscellaneous	$123,422.04
Establish Expenditure Account		
32-2-5032-0100	Lake Dam Road	$123,422.04

Mr. Walters moved the recommendation as outlined be upheld. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting the affirmative. The Mayor ruled the motion adopted. See Ordinance No. 426.

RESOLUTION NO. (1984) 633

WHEREAS, the North Carolina Department of Transportation and the City of Raleigh propose to make certain street and highway improvements consisting of the construction and improvement of SR 1427 (Lake Dam Road) from SR 1321 to end of pavement near I-40; and,

WHEREAS, the Department of Transportation and the City of Raleigh propose to enter into an agreement for construction of the aforementioned highway improvement whereby the City of Raleigh agrees to design the project plans, acquire the right-of-way and adjust utilities, award the construction contract, and supervise project construction; and,

WHEREAS, said agreement provides for the City of Raleigh to be responsible for the costs of design and preparation of plans for the entire project, for the costs of engineering and supervision of construction of the entire project, and for administrative costs incurred in the acquisition of right-of-way of the project; and,

WHEREAS, said agreement further provides for the Department of Transportation to reimburse the City of Raleigh to a maximum extent of $43,000.00, for the actual contract construction costs of the project.

NOW, THEREFORE, BE IT RESOLVED that Project 6.402320, Wake County, is hereby formally approved by the City Council of the City of Raleigh and that the Mayor and Clerk of the City of Raleigh are hereby empowered to sign and execute the required agreement between the City of Raleigh and the Department of Transportation.

MILLBROOK EXCHANGE POOL - DESIGN CRITERIA - APPROVED CONDITIONALLY

The consultant for Millbrook Exchange Pool has submitted proposed design criteria for the pool complex. The criteria are generally comparable with those which have been approved for Longview and Lake Johnson pools except that the wading pool is slightly larger. The proposed Millbrook wading pool is 1250 square feet and the approved sizes for the other two pools are 1000 square feet and 600 square feet. The consultant's proposal also includes a recommendation of the Master Plan Study Committee that a diving pool be bid as an alternate. If this is approved by the Council, additional design fees of $6,200 will be required. Information was provided in the Agenda packet.

Recommendation: It is recommended that the proposed design criteria be approved with the understanding that the wading pool size will be reduced if necessary to meet budget constraints. It is also recommended that the decision on additional fees for diving pool design be held until the November 6, 1984 Council Meeting when the bids for Longview and Lake Johnson will be available as a basis for assessing budget effects of a diving pool.

Mr. Congleton indicated everyone is aware of his concerns relative to procedures relating to Master Plan Study Committees. He indicated in this particular case there were only 5 persons at the meeting in which the recommendation that a diving pool be bid as an alternate was discussed. He agrees with the City Manager's approach and would move the Manager's recommendation as outlined be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

MINORITY BUSINESS INVENTORY/BUSINESS ADMINISTRATION PROGRAM - APPROVED

Earlier Council asked Administration to provide any inventory of transactions which have involved minority firms. Included in Council Members' Agenda packet was a report with this information.

Administration has developed a proposal to address efforts to increase the involvement of small and minority firms in the sale of goods and services to the City. That proposal was included in the Council Members' Agenda packet.

Recommendation: It is recommended that the Council approve the program for enhancing the participation of small and minority firms in the sale of goods and services to the City.

Human Resources Director Don Harris briefly explained the proposal and the four recommendations as outlined in his memo of September 25, 1984, to the City Manager entitled, "Summary of Minority Business Inventory and Proposed Business Assistant Program," as well as work the City has done with minority businesses. Mr. Congleton indicated he is very pleased to see this program move forward and questioned if it would be extended down to subcontractor level. Mr. Harris indicated the City would not be requiring that general contractors have to do business with minorities but that the City would be working with him very closely giving them a list of minority businesses and asking that they be considered. Mr. Calloway commended Mr. Harris and Mr. Edmonds, the principal investigator who put this program together. He questioned if the City adopted the program and the recommendations as outlined, if it would become City policy with City Manager Benton indicating that is correct. Mr. Calloway moved that the program as outlined be adopted. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RETIRED SENIOR VOLUNTEER PROGRAM - APPLICATION FOR CONTINUATION - AUTHORIZED FOR SUBMISSION

An application for a grant of $41,166 to continue the RSVP program has been prepared. The City contribution to the program will be $41,166, which has been approved in the annual budget, and $12,705 in in-kind services. Information was provided in the Agenda packet.

Recommendation: It is recommended that the City Council authorize the submission of the RSVP grant application for $41,166. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

VISTA PROJECT - COMPREHENSIVE YOUTH SERVICES PROGRAM - SUBMISSION OF GRANT AUTHORIZED

The Human Resources Department has prepared a VISTA proposal which addresses the needs of City of Raleigh youth with a primary emphasis on employment. This proposal would involve twelve (12) full-time VISTA's plus one full-time supervisor. These positions would be funded by the federal ACTION Agency. The City's responsibility would be in the form of in-kind services, supplies, and publicity. The in-kind services would include office space, supervision, and administration of the project. The project would be entitled the Comprehensive Youth Services Program (CYSP).

The VISTA proposal for the CYSP will have as its main thrust the full development of an employment program for City youth. The other objectives of the program such as information and referral services and counseling will be supportive elements to the employment program. The employment development program will seek to generate employment opportunities for youth as well as develop the work ethic among youth just entering the employment field.

To assure adequate and proper coordination with the County, the County Youth Services Board and County Administration will be asked to comment on and agree with this type of programming by the City of Raleigh. This program, which is intended to be a seed program, would operate for a maximum of two years under City government. The City of Raleigh over the last eight years has conducted twelve VISTA projects, all of which were placed with other agencies at the end of the grant period. It is anticipated that the proposed VISTA Youth Project will follow the same course.

Recommendation: It is recommended that the City Council authorize the submission of a grant application for $23,120 and twelve (12) VISTA volunteers. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mr. Congleton. Mr. Congleton indicated this is an excellent program explaining it is utilized by the State agency he works for. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

HANDICAPPED NONDISCRIMINATION POLICY - APPROVED - RESOLUTION ADOPTED

The new Revenue Sharing regulations require the adoption of a Handicapped Nondiscrimination Policy by October 17, 1984. A proposed resolution stating such a policy was provided in the Agenda packet.

Recommendation: It is recommended that the resolution regarding Handicapped Nondiscrimination Policy be adopted.

Mrs. Block questioned what a TTY machine is and that was explained by City Manager Benton. Mr. Congleton moved adoption of the policy as included in the Agenda packet. His motion was seconded by Mrs. Cates. Mrs. Cates indicated she had been contacted about the need for additional portable toilets closer to activities explaining we have some park activities for the handicapped and it is hard for them to get to the toilet facilities. Administration was asked to look into this. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

THE CITY OF RALEIGH HANDICAPPED NONDISCRIMINATION POLICY

The City of Raleigh, in response to the Office of Revenue Sharing Handicapped Regulations, has implemented the following procedures. In order to comply with these regulations, it is necessary for the City of Raleigh to complete a self-evaluation and plan for corrective action, by October 17, 1984. The City of Raleigh's Human Resources Director was designated as the coordinator for compliance by City Administration as specified by the regulations. The first step in taking this self-evaluation was the conducting of a survey to determine the extent and level of accessibility by the handicapped and disabled to City programs, activities and facilities. The policies and practices of all City Departments were reviewed to determine whether there were any existing discriminatory practices and procedures as well as to ascertain their accessibility by the handicapped and disabled. The result of this survey clearly indicated there is no inherent or intentional policies or practices by the City of Raleigh that are discriminatory. There are some specific instances of difficulty of accessibility or nonaccessibility which will be discussed later in this report. A committee of individuals concerned with the problems of the handicapped was consulted and invited to comment on and assist in the evaluation of the City's conduct regarding the handicapped and disabled. The Chairman and several members of the Mayor's Committee for Services to the Handicapped worked for an extended period of time in advising Administration on the circumstances of the handicapped as they relate to City government.

The City of Raleigh initially notified the public of the City's efforts and position regarding nondiscrimination against the handicapped and disabled by publishing a notice on January 17, 1984, in the news media.

As to the City's policy and posture regarding the handicapped and disabled, the following resolution is recommended:

RESOLUTION NO. (1984) 634

WHEREAS, the City of Raleigh has long been committed to a policy of equal opportunity regarding employment, services, programs and benefits; and

WHEREAS, handicapped residents of Raleigh may experience difficulty in gaining access to employment, services, and facilities; and

WHEREAS, the Rehabilitation Act in 1973, regulations of 1977, and the Office of Revenue Sharing Regulations of 1983, require that no person be denied such employment, services, programs or benefits, or be subject to any form of discrimination therein on a basis of handicap.

NOW, THEREFORE, BE IT RESOLVED that it shall continue to be the policy of the City of Raleigh that all handicapped individuals will be guaranteed equal access to services, programs, benefits and facilities under the auspices of the City, and that qualified handicapped applicants will be given equal consideration when seeking employment with the City of Raleigh.

AND BE IT RESOLVED, that the City will implement a coordinated plan of action encompassing all programs and facilities administered by the City, to ensure accessibility to all citizens.

In keeping with this resolution by the City Council, the City should adopt the following policies in order to carry out the meaning of the law and resolution:

PROGRAMS

The City will endeavor to make its programs, services, and facilities accessible to all citizens, including those who are handicapped. The City will actively seek to eliminate physical, policy, and/or procedural barriers that prevent handicapped citizens from availing themselves of City programs.

Any program supported by general revenue sharing funds that is implemented by the City of Raleigh will be structured in such a way that it is equally accessible to the members of the handicapped populations.

The City expects all departments to assure that all programs are accessible to the handicapped. The City should conduct a survey of programs to determine the extent of usage by the handicapped and disabled. The City should publish information concerning its services and programs. their availability, hours of operation, and accessible locations to assure that the handicapped may avail themselves of programs. This will include publicizing these programs so that persons who are visually or auditorally handicapped will be made aware of them. Periodic public service announcements regarding special equipment and services available for the handicapped and disabled should be produced and disseminated.

EMPLOYMENT

The City of Raleigh in its publication of employment information must include a statement concerning nondiscrimination against the handicapped. The City will engage in efforts of recruitment which accommodate the handicapped in the process of applying, screening and being interviewed for employment. The City will further engage in reasonable accommodations in order to allow the handicapped to do a job for the City of Raleigh. The City will implement a training and educational program for City staff regarding issues and problems generic to the handicapped and disabled. The City should endeavor to survey employees to determine the extent of employment of handicapped and disabled persons.

FACILITIES

The City's publicly accessible buildings should be altered in ways that permit easy accessibility to the handicapped. In situations where this is not feasible when there is sufficient demand for services, the City should make programs and services available at alternate accessible sites. It is suggested that the modification of at least one door, the ground level entrance to the Municipal Building, be made to allow for easy manipulation by a wheelchair bound individual.

Any new construction to house City programs should be accessible to the handicapped.

Newly leased City facilities should be accessible to the handicapped. A diligent search for appropriate, accessible facilities will be made and appropriately documented. Where accessible facilities are not available or alterations are not feasible, alternate measures will be considered for providing City programs and services to all citizens. The City of Raleigh should continue its efforts to assure proper signage being placed to direct handicapped persons to parking facilities and programs.

NONDISCRIMINATION

The City will amend its grievance procedure to ensure that employees who feel they have been discriminated against, on the basis of handicap, may receive due process and consideration. Notices about this grievance procedure should be readily available to all employees. Notices concerning the City's policies of nondiscrimination should be published and posted.

(Note: Existing grievance procedures are sufficient with appropriate references to the handicapped and disabled being added.)

Any contracting agent with the City of Raleigh should agree to a nondiscrimination clause concerning the handicapped.

All literature pertaining to the City of Raleigh and its programs should include a statement of nondiscrimination which reads: "The City of Raleigh is dedicated to the principle of equal opportunity in services and employment and renders impartial treatment to employees and citizens without regard to race, sex, national origin, color, creed, or handicap." The City's equal opportunity statement currently in use in recruitment materials is intended to include the meaning of the above statement.

There are some specific areas which the City will need to address to assure full compliance with the handicapped regulations. These areas are listed below categorically, with the proposals for compliance.

EQUIPMENT

There are some equipment repairs or purchases which are needed immediately to assure that programs are accessible by the handicapped. They are:

1. The TTY machine at the Public Information Office is not currently operable. This appears to be related to the installation of the new phone system and is necessary to install a coupler for the TTY to properly operate. This adjustment will be accomplished at the earliest possible date.

2. The TTY at the CAT bus office is not in service at this time. There is some indication that it is in disrepair. This machinery will be repaired as soon as possible.

3. The Memorial Auditorium, Civic Center and Parks and Recreation Department do not have assistive listening devices for the hearing impaired. These departments will investigate the costs of providing such equipment as needed to assure that all citizens can avail themselves of programs in these facilities, and will report to the City Manager for the costs to purchase and install assistive listening devices. A report will be made to the City Council on these improvements for consideration in the 1985-86 budget.

PARKING NEEDS

The current handicapped parking space in front of the Municipal Building Annex will be increased to two spaces. Further curb cuts, or a ramp wide enough for a wheelchair, will be installed in front of the Municipal Building Annex.

FACILITIES NEEDS

The Parks and Recreation Department and the Public Works Department should develop a list of any existing City facilities which are not in conformance with the handicapped regulations. Their list should indicate approximate cost of renovation and time table by which they can be accomplished with appropriate financial appropriations by the City Council.

The City of Raleigh, if these recommendations are approved, will be in full compliance with the Office of Revenue Sharing Handicapped Regulations.

LEO RETIREMENT CREDITS - INFORMATION RECEIVED

The Law Enforcement Officers Retirement Fund provides for the refund of retirement contributions by the employer to the employer upon any resignation of an officer. That source of funding has provided heretofore the employer's share of purchased retirement credits, as applicable, for law enforcement officers. As you will remember, the City Council previously approved the City's participation in this repurchase exercise and we have routinely funded our share from the source identified above. However, due to lack of sufficient refunds from resignations and the continuing obligation of the employer in its share from officers wishing to purchase service credits, a funding shortfall has occurred. It would be appropriate to provide additional funding for this purpose.

A designation of Fund Balance into the account "Surplus Reserve - Retirement Credit" (01-3-3100-0123) for this purpose will be sufficient and in keeping with our method of funding in the past. Should refunds from attrition pick up and generate excess funding for this purpose, such refunds will be redeposited to the General Fund offsetting the provision requested.

The Finance Director has indicated that an appropriate funding level should be $20,000. This is not a budget item, and Council is being informed of this "Reservation of Fund Balance."

City Manager Benton indicated this item is for information only and is not connected to the memo he sent Council Members recently relative to LEO Retirement changes. The item was received as information.

PERSON STREET OPPORTUNITY SITE - ENGINEERING SERVICES - ADMINISTRATION TO NEGOTIATE CONTRACT

Proposals for test borings and preliminary site planning for the Peterson Street Housing Opportunity Site have been received as follows:

Boney and Associates	$ 5,000
Law Engineering	$ 8,076
Triangle Engineering	$12,500

A copy of the request for proposals and summaries of the proposals was included in the Agenda packet.

Recommendation: It is recommended that the Administration be authorized to negotiate a contract with Boney and Associates and bring it back to the Council for approval. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

SIGN ORDINANCE - VARIOUS CHANGES - AUTHORIZED FOR PUBLIC HEARING

City Attorney McCormick indicated recently he sent Council Members a memo requesting authorization to advertise changes in the Sign Ordinance. He indicated when the City enacted the Billboard Ordinance, he advised the Council that he had some concerns with portions of the Sign Ordinance. He indicated this is not an attempt to rewrite the Sign Ordinance but to clarify some of the things that he had voiced concern about. He briefly explained the proposed changes relating to size of construction signs, deleting reference to political signs and putting them in another section of the Code, distinctions between commercial and non-commercial advertising. Mr. Walters indicated he had no problem with the Attorney's recommendation but he did not feel it went far enough pointing out there were some other things in the Sign Ordinance that bothered him such as minimum letter size. Mrs. Block moved that the Attorney's recommendation to advertise for the November hearing changes to the Sign Ordinance as outlined in his memo be upheld. Her motion was seconded by Ms. Babb. Discussion took place with Mr. Walters again indicating he would like for the advertisement to go further as there were other things in the Sign Ordinance that bothered him. After discussion, the motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative pointing out he had no objection to the public hearing, he just felt some other changes should also be considered. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

LEO - RETIREMENT CHANGES - REFERRED TO WORK SESSION

Mayor Upchurch indicated Council Members received a memo from the City Manager relative to the LEO Retirement changes. Without objection or discussion, Mayor Upchurch referred this item to the Work Session scheduled for October 18.

STREET IMPROVEMENTS - CREEDMOOR ROAD - REFERRED TO ADMINISTRATION

Mayor Upchurch indicated he would like to ask Administration to start looking for a strategy for improving Creedmoor Road. He stated he does not want this to be considered as a part of the Bond issue but feels that we should start looking at the needs on Creedmoor Road. Without objection, the item was referred to Administration.

HOUSING AUTHORITY - SELF-SUFFICIENCY PROGRAM - INFORMATION RECEIVED

Mayor Upchurch indicated he had been advised in a letter dated September 8 that the Housing Authority of the City of Raleigh will get 100 certificates relating to the Self-Sufficiency Program. He indicated as he understands it, Raleigh is one of 18 cities in the nation to receive funding under this program pointing out it relates to the private/public involvement. He stated this is just for information and the official presentation will be made later.

SISTER CITY COMMITTEE - AUTHORIZATION FOR TWO MEMBERS TO ATTEND FAIR IN MILWAUKEE - APPROVED

Mr. Walters indicated he distributed a memo to Council Members relative to the Sister City Committee and the possibility of two members traveling, at City expense, to attend an International Festival in Milwaukee. Mr. Walters asked that two members of the Sister City Committee be authorized to travel to the festival to explore this type opportunity for Raleigh with the understanding that travel would be subject to the regular travel policy of the City of Raleigh. Mr. Congleton moved Mr. Walter's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TAX LAWS - CHANGES IN USE OF AUTOMOBILES - REFERRED TO ADMINISTRATION

Mr. Walters indicated he would like for Administration to look into the new tax laws relative to driving private vehicles to and from work. He indicated he did not want the City to get into trouble and would like for Administration to review the new tax laws to make sure the City is in compliance.

ZONING REVISION - STATUS REPORT TO BE GIVEN AT NOVEMBER WORK SESSION

Mrs. Cates indicated she is very concerned about our zoning revision and where we are pointing out she has some ideas such as the development of a strictly residential zone, getting hospitals out of residential zones, hotels out of Office and Institution zones, etc. She indicated it is imperative in her opinion that we move forward with the zoning revision and questioned if a report would be ready at the October Work Session. City Manager Benton indicated it would be difficult to have a report ready and after general discussion it was agreed that, if possible, a status report would be scheduled for the November Work Session.

WATER PROBLEM - 2600 BLOCK OF ELMHURST CIRCLE - REFERRED TO ADMINISTRATION

Mr. Calloway asked Administration to check into a water problem in the middle of the 2600 block of Elmhurst Circle. He indicated representatives of the City have been out, however, water keeps losing up through the asphalt. He indicated it is a "smelly" situation. Without objection, the item was referred to Administration.

PRIVILEGE LICENSE - SAND CASTLE RESTAURANT - REFERRED TO ADMINISTRATION

Mr. Calloway indicated he had been contacted by a William Walton who is has been trying to get privilege license for the Sand Castle Restaurant at 620 Hill Street. He indicated in October of 1983 and March of 1984, the Inspections Department came out and checked the location. However, when he contacted the City, there is no record of these inspections and he still has not been able to get his live entertainment license. Mr. Calloway asked Administration to check into the status of the live entertainment license and to determine why the City has no record of the two previous inspections. Without objection, the item was referred to Administration.

METHOD PARK - NAMES - PARKS AND RECREATION ADVISORY BOARD TO GIVE REPORT

Ms. Block indicated in March of last year she brought an item to Council attention relative to the naming of facilities at the Method Park Complex pointing out the Method community has suggested that the Agricultural Building be named the Beryl O'Kelly Pioneer Building and the gym be named the Havaleigh White Gym. She indicated this item was referred to the Parks and Recreation Board, however, she does not recall receiving a report. Without objection, the Parks and Recreation Advisory Board was requested to give comments on the suggestion.

OLIVIA RANEY LIBRARY BUILDING - REFERRED TO REAL ESTATE COMMITTEE

Mrs. Block indicated she would like to officially refer to the Real Estate Committee the possibility of considering the sale of the Olivia Raney Library Building. Without objection, the item was so referred.

VOLUNTEER OF THE MONTH PROGRAM - HAMILTON FISH SUGGESTED; LETTER OF CONDOLENCE TO BE SENT

Mrs. Block indicated she was very concerned in that she had wanted to nominate her good friend, Hamilton Fish, as the Volunteer of the Month. It was suggested that Mr. Fish's name be submitted for consideration. The Council also requested that a letter of condolence be sent to Mr. Fish's family.

TRAFFIC - MILLBROOK SENIOR HIGH - REFERRED TO ADMINISTRATION

Mr. Congleton indicated he had been working with the Millbrook PTA about traffic concerns they have relative to Spring Forest Road. He indicated quite a bit of development has occurred in this area and a number of buses are coming in and out, pedestrians crossing the road, etc. He indicated there is some traffic congestions and problems and he would like to refer this item to Administration to come back with some recommendations as to how to improve the traffic situation. Without objection, the item was so referred.

PRIVILEGE LICENSE - LONG STAR CAFE - APPROVED CONDITIONALLY

Ms. Babb indicated a situation has been brought to her attention relative to getting privilege license relating to an existing club in Mission Valley which is changing ownership, etc. She indicated Johnny Walters wants to open the Long Star Cafe and have the same type permits, etc., that the previous location had. Ms. Babb moved that the City Council approve the privilege license for the facility in Mission Valley Shopping Center contingent upon all approvals being given by Administration. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY CLERK

TAX REBATE AND/OR REFUNDS - RESOLUTIONS ADOPTED

Council Members will receive in their Agenda packet three proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval of the listing as submitted by the Wake County Tax Supervisor for refunds made during August for clerical error purposes only is also recommended for approval. Mr. Walters moved the resolutions as presented be adopted as well as the listing submitted by the Tax Supervisor. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 635

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Collins, Brenda Sills	13-2-5408288	$ 4.40	Error-Illegal Bill
1984	Maimone, Nancy Fulton	01-2-5834314	5.27	Error-Illegal Bill
1984	Matthews, Annie B.	01-2-0044873	30.36	Error-Illegal Bill
1983	Ogilvie, Henry Alton	01-2-5157873	48.48	Error-Illegal Bill
1982	Ogilvie, Henry Alton	01-2-5157873	65.30	Error-Illegal Bill
1981	Ogilvie, Henry Alton	01-2-5157873	35.03	Error-Illegal Bill
1983	Pate, Morgan Jr. & Florence R.	17-2-0108560	22.43	Error-Illegal Bill
1982	Pate, Morgan Jr. & Florence R.	17-2-0108560	55.09	Error-Illegal Bill
1983	Sanford, Adams, McCullough, & Beard	01-1-5184475	368.51	Error-Illegal Bill
1984	Saykosy, Sisouphanh	01-2-5231052	75.74	Error-Illegal Bill

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

RESOLUTION NO. (1984) 636

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	Malvina Gordon	07-2-5266792	$ 5,840	Relieved
1984	Susan Shaw Gustke	07-2-5266783	6,366	Relieved
1984	Linda Bradshaw Kellam	07-2-5266786	6,781	Relieved
1984	Pamela Staples Kirks	01-2-5924378	4,770	Relieved
1984	Nelson Taylor Lewis, Jr. & Elizabeth T.	01-2-5266774	14,340	Relieved
1984	David D. & Margot Murphy	01-2-5266780	10,960	Relieved
1984	Kermit Bolton Nichols	01-1-5222633	39,680	Relieved
1984	Power Tool Sales & Service, Inc.	01-7-5264563	10,790	Relieved
1984	Graham H. Simmerman, Jr. & Bridget A.	01-2-5268364	4,840	Relieved
1984	Videotel, Inc.	16-1-5268185	13,092	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	TAX VALUE
1984	Barnes Motor & Parts Co. of Raleigh, Inc.	$270,864
1984	NCM, Inc.	29,890
1984	Bobby D. Norris	9,118
1984	Bobby D. Norris	1,063
1984	Raleigh Wholesale Jewelry & Gift Co.	266,721
1984	Fred L. & Linda S. Tolson	9,102

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

RESOLUTION NO. (1984) 637

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N.C. General Statutes 105-278.3, exemption from taxation was available for the property owners, listed below; and

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to request relief in a timely manner was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the following be approved for exemption from taxation:

YEAR	TAXPAYER	AMOUNT OF VALUE	RECOMMENDATION
1984	Raleigh Georgetown Road, Church of God	$5,400	Approved

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

RESOLUTION NO. (1984) 638

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR, AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, there has been filed with the City Clerk and Treasurer of the City of Raleigh written petition hereinafter referred to, directed to the City Council, requesting the Council to make the respective improvements hereinafter described upon the street or streets, or parts thereof, hereinafter identified; and

WHEREAS, the City Clerk and Treasurer of the City of Raleigh has submitted said petitions to the City Council and has duly certified that the petition has been signed by a majority in number of the owners, or owners of a majority of all the lineal feet of frontage of the lands abutting upon the street or streets or parts thereof proposed in the petition to be improved, and that the petition is sufficient in all respects as required by Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, and pursuant to which the improvements have been petitioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended:

Installation of curb, gutters, drains and paving 31 feet back-to-back with 1½ inch asphalt surface on a 5 inch stone base on Peach Road from Dillwyn Drive west to dead end.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. Sidewalk improvements shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, however, the Council may direct that sidewalks be constructed on one side and assessed against property abutting both sides.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10, of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of six percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 20th day of November, 1984, at 1:00 p.m., or as soon thereafter as the matter can be reached, in the Council Chamber, Room 201, Municipal Building.

STREET IMPROVEMENTS - PEACH ROAD - RESOLUTION OF INTENT ADOPTED

A petition signed by 8 of 11 property owners representing 70.64% has been received for the installation of curbs, gutters, drains, and paving on Peach Road from Dillwyn Drive west to dead end. The next step, if the Council so desires, would be adoption of a Resolution of Intent setting a public hearing to consider the street improvements. Mr. Walters moved adoption of the Resolution of Intent setting the public hearing. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 638.

ASSESSMENT ROLLS 1016 AND 1017 - ADOPTED - PUBLIC HEARING ESTABLISHED

The following preliminary assessment rolls are recommended for adoption which would set a public hearing on November 20, 1984, to consider confirming costs:

(1) Water AR 1016 - Installation of approximately 3,950 feet of water main along US #1 North. This property is outside the City Limits and the charges, if confirmed, would become effective upon annexation or tap-on to the line.

(2) Water AR 1017 - Installation of approximately 2,500 feet of water main within the new right-of-way of Atlantic Avenue.

Mr. Walters moved adoption of the preliminary assessment rolls which would set a public hearing for November 20, 1984. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 639

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1,016

WHEREAS, by Resolution No. 1983-328 adopted by the City Council on August 16, 1983 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of 3,950'± of 24-inch ductile iron water main along U.S. No. 1 beginning at the southern property line of Kerr Drugs southward to the northern property line of Smoketree (Parcel 328-2)

Section 2. That the cost of the above-described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $71,909.75.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Paragon Development Company	1	0032772		1,320.85	11,874.44
Carolina Power & Light Co.	2	0112857		1,485.00	13,350.15
Robert H. & Katherine Binns	3	0037483		285.27	2,564.58
Robert L. Hathaway & Ben D. Thomas & Etal.	4	0017118 - 0102836		632.58	5,686.89
Robert L. Hathaway	5	0112858		138.96	1,249.25
Robert L. Hathaway	6	0050609		105.20	945.75
Neuse Manufacturing Co., Inc.	7	0050607		235.37	2,115.98
Joseph & Fannie Hardee	8	0087361		525.00	4,719.75
Cheviot Hills Golf Course	9	0013024		2,863.85	25,746.01
Irene P. Edwards	10	0094946		406.78	3,656.95

Cost Per Foot: $8.99

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 20th day of November, 1984, at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

RESOLUTION NO. (1984) 640

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1,017

WHEREAS, by Resolution No. 1983-307 adopted by the City Council on August 2, 1983 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

PU-1983-14 - Installation of approximately 2,500 feet of 30-inch water main within the new right-of-way of Atlantic Avenue from the Beltline right-of-way northward to the present end of Winton Road.

Section 2. That the cost of the above-described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $40,486.64.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Highwoods Co.	1	0003363		1,599.70	14,381.30
Highwoods Co.	2	0003363		1,513.01	13,601.96
The Adams Bilt Co.	3	0000132		701.00	6,301.99
Highwoods Co.	4	0016426		689.81	6,201.39

Cost Per Foot: $8.99

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1017 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 20th day of November, 1984, at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

MINUTES - OCTOBER 12, 1984 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the October 2, 1984, Council Meeting in their Agenda packet. There being no corrections, Mr. Walters moved approval of the minutes as presented. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:15 p.m.

Gail G. Smith
City Clerk and Treasurer

np/MM1